



# महाराष्ट्र शासन राजपत्र

## भाग एक-ल

वर्ष ६, अंक २४]

गुरुवार ते बुधवार, ऑगस्ट २८-सप्टेंबर ३, २०१४/भाद्र ६-१२, शके १९३६

[पृष्ठे १११, किंमत : रुपये २३.००

### प्राधिकृत प्रकाशन

(केंद्रीय) औद्योगिक विवाद अधिनियम व मुंबई औद्योगिक संबंध अधिनियम यांखालील  
(भाग एक, चार-अ, चार-ब आणि चार-क यांमध्ये प्रसिद्ध केलेल्या अधिसूचना, आदेश व निवाडे यांव्यतिरिक्त)  
अधिसूचना, आदेश व निवाडे.

### BEFORE THE INDUSTRIAL COURT, MAHARASHTRA AT KOLHAPUR

REVISION APPLICATION (ULP) No. 54 of 2000.—Vijay Vishwanath Paranjape, R/o. Khasliwada, Sawantwadi, District: Sindhudurg.—*Petitioner.* —*Versus*— Maharashtra State Road Transport Corporation, Kankavali Division, Sindhudurg.—*Respondents.*

In the matter of Revision under Sec. 44 of the M. R. T. U. & P. U. L P. Act, 1971.

CORAM.— C. A. Jadhav, Member.

*Appearances.*—Shri A. G. Pansare, Advocate for the Petitioner.

Shri. M. G. Badadare, Advocate for the Respondent.

### Judgment

This is a Revision by an employee challenging legality of judgement and order passed in Complaint (ULP) No. 273 of 1992 by Labour Court, Kolhapur to the extent of refusal of back wages while granting reinstatement with continuity of service by allowing his complaint, partly.

2. Admittedly, the Petitioner-Complainant was in employment of the Respondent-Corporation as a conductor. He was served with chargesheet dated 8th March 1992 under various clauses of Discipline and Appeal Procedure of the Corporation, mainly alleging dishonesty and misappropriation of Rs. 6614. Then an enquiry took place and he was finally dismissed from service on 29th June 1992. He was also prosecuted *vide* Regular Criminal Complaint No. 5/97 in the Court of Chief Judicial Magistrate, Sindhudurg, at Oras wherein, he was acquitted on 28th June 1997 of the charge of offences punishable under section 406, 467, 468 and 471 of the Indian Penal Code. Above complaint was filed on 10th June 1992, *interalia*, contending that the Complainant was given duty on Parel to Panjim route on 29th March 1992. His bus departed at 11.00 a.m. and arrived at Panjim on next date at 6.30 a.m. He deposited fare amount with concerned clerk as per tickets sold by him. It is alleged that concerned clerk did not point out any irregularity at that time. On the contrary, he verified all details, accepted the

cash amount and allowed the Complainant to go to his home. The Complainant then kept his tray in Ticket Section. He then resumed duties on 1st March 1992 and was to leave from Savantwadi to Kurla Mehru-Nagar route at 4.00 p.m. but received a message from Stand-in-charge to bring his Ticket tray and bags for inspection. The Stand-in-charge then submitted his inspection report, whereby he (the Complainant) came to be chargesheeted on 8th March 1992. It is alleged that findings of the Enquiry Officer are totally perverse and based on no evidence. The Panchas have stated in the enquiry that they haven't knowledge about the misappropriation. Besides, he (the complainant) was allowed to deposit Rs. 6,608 on 3rd March 1992. In addition, Shri Dilip Nadkarni, who was examined in the enquiry, has categorically stated that accounts submitted by the Complainant were correct. According to the Complainant, therefore, the corporation has engaged in unfair labour practices under items 1(a), (b), (d), (f) and (g) of Sch. IV of sch. IV of the M. R. T. U. and P. U. L. P. Act. Finally, he prayed for declaration of unfair labour practice, reinstatement with continuity of service and full back wages.

3. The Corporation filed its written statement at Exh. 19 challenging all material allegations made by the Complainant. It contended that the Complainant was found to have misappropriated the amount and then was chargesheeted. The enquiry is fair and proper and proper opportunity of being heard was extended to the Complainant. There was sufficient evidence before the Enquiry Officer to hold that the misconducts are proved and hence finding of the Enquiry Officer are well justifiable. Proved misconducts were grave and serious and, therefore, punishment of dismissal is legal and proper. Finally, the Corporation justified its action and prayed for dismissal of the complaint.

4. Considering rival pleadings, the labour Court framed issues at Exh. 13 and the parties went to the trial. The Complainant produced copy of judgment delivered in Regular Criminal Case No. 5/97 whereby he was acquitted. The Corporation produced entire enquiry papers alongwith Complainants default card.

5. Learned Labour Court, on perusal of evidence and hearing both parties, observed that domestic enquiry as well as criminal proceedings were initiated simultaneously and allegations in both, are identical. It then observed that the Complainant is acquitted of criminal charges and, therefore, it is not open to the disciplinary authority to take a contrary view and if this is permitted then it would render the judicial system negatory. Ultimately, it held that necessary weightage will have to be given to the acquittal in criminal trial, allegations in the trial as well as enquiry are same and, therefore, finding of the Enquiry Officer are perverse and punishment of dismissal is liable to be set-aside. It then observed that the Complainant was also responsible for initiation of domestic enquiry and hence reinstatement with continuity of service but without back wages, will be proper. Ultimately, it allowed the complaint, as above. Said decision to the extent of refusal of back wages is challenged in this Revision.

6. I heard both counsels at length. Considering rival submissions. Following points arise for my determination :—

(i) Whether the Corporation is entitled to challenge labour Court's affirmative finding of an unfair labour practice in the Revision of the employee ?

(ii) Whether impugned finding refusing to grant back wages, is justifiable ?

(iii) What order ?

7. My findings, on above points are as under :—

(i) No.

(ii) No.

(iii) The Revision Application is allowed.

### Reasons

8. It needs to be noted at the outset that the Corporation reinstated the Complainant as per directions of the Labour Court and did not file Revision challenging affirmative finding of an unfair labour practice recorded by the labour Court. This Revision is filed by the employee to the extent of refusal of back wages.

9. A question as to whether the Corporation can challenge affirmative finding of unfair labour practice was arose during arguments of Shri Badadare, learned Advocate representing the Corporation. I proposes to decide the same in the beginning itself as the same is of paramount consideration.

10. Shri Badadare learned Advocate representing the Corporation canvassed that when entire decision of the Labour Court is before this Court, merits of unchallenged order can well be decided although the Corporation has not filed a separate revision, challenging the same. The Labour Court has nowhere scrutinised finding of the enquiry in the bankground of acquittal by Criminal Court so as to hold that findings are perverse. The standard of proof for domestic enquiry and criminal trial is altogether different. There is no discussions by Labour Court as to how decision of criminal Court falsifies report of the Enquiry Officer but it has jumped to a finding of perversity.

11. Shri Pansare, learned Advocate representing the Complainant replied that refusal to pay back wages is the only and limited question in this Revision. The Corporation, if dissatisfied, ought to have filed a Revision Application and there was no difficulty for doing so. As such, now, the Corporation cannot put its case regarding affirmative finding of an unfair labour practice in the Revision Application filed by other side *i.e.* the Complainant. There is no provision under the M. R. T. U. and P. U. L. P. Act of filing cross-objections in a Revision Application. The corporation can only argue on refusal of back wages.

12. Section 44 of the M. R. T. U. and P. U. L. P. Act does not provide for presentation of cross-objections in a Revision Application. The Corporation has reinstated the Complainant and has thus accepted affirmative finding of the unfair labour practice. If the Corporation was really aggrieved by such finding and order of reinstatements, it ought to have filed a Revision Application and should not have reinstated the Complainant. In such circumstances, the peculiar mode canvassed by Advocate Shri Badadare cannot be accepted. It is observed in *Balvant Khandekar Versus Shetkari Sahakari Sangh Ltd. reported in 1991 II CLR. at page 516* that cross objections are not permissible in a revision under section 44 of the M. R. T. U. and P. U. L. P. Act. It is held that a revision application at the most could be dismissed if there were no merits, however, totally non-suited a Revision petitioner on the basis of cross-objections of the Respondents amounts to mis-cariage of justice. These observations non-suit arguments of Advocate Shri Badadare. Accordingly, I answer point No. 1 in the negative.

13. Shri Pansare, then argued that the Corporation has not come with a case that the Complainant was gainfully employed during the intervening idle period. The Labour Court ought to have granted full back wages when decided to set-aside the dismissal. Observations that the Complainant was also responsible to initiate domestio enquiry and hence is not entitle to back wages are totally contrary to settled principles of law. Normal rule of granting full back wages while reinstating the Complainant ought to have been followed and it is an error apparent on the face of the record.

14. Shri Badadare tried to impress that the Complainant has committed misappropriation, was required to be chargasheeted and the misconducts were proved. Had there been no misappropriation everthing could have been normal. In such circumstances, the labour Court has rightly exercised its discretion while refusing to grant back wages.

15. It is settled law that normally, back wages are to be granted while reinstating an employee and said rule can be departed in an exceptional circumstances. It is not case of the Corporation that the Complainant was gainfully employed during the intervening idle period. Findings of the Labour Court that findings of the Enquiry Officer are perverse, is now conclusive as the Corporation has not challenged the same by preferring a Revision Application. It appears that the complaint came to be decided after 8 years. However the Complainant cannot be blamed for that as there is an affirmative finding of an unfair labour practice.

16. Advocate Shri Pansare relied upon decision of Hon'ble Apex Court in *M/S. Hindustan Tin Pvt. Ltd. Versus Employees of Hindustan Tin Pvt. Ltd. and Ors. reported in AIR 1979 S. C. At page 75*, wherein it is observed that when termination is illegal, then normally a workman is entitled to full back wages, Observations of learned Labour Court that the Complainant was an instrument for initiation of doematic enquiry, cannot be said to be exceptional circumstances as the Labour Court itself has held that findings of the Enquiry Officer are perverse and order of dismissal is liable to be set-aside. In such circumstances, learned Labour Court ought to have resorted to normal rule of granting full back wages while directing reinstatement of the Complainant. It is an error apparent on the face of the record requiring revisional interference. The justification reason given by learned Labour Court does not stand to legal tests especially when findings of the Enquiry Officer were held to be perverse and hence needs to be set-aside. Accordingly, I answer Point No. 2 in the negative and pass following order.

### Order

- (i) The Revision application is allowed.
- (ii) Impugned finding refusing to grant back wages is set-aside.
- (iii) The Respondent is directed to pay full back wages to the Complainant along with consequential reliefs thereof, within one month from to-day.
- (vi) Parties shall bear their own costs.

Kolhapur,

Dated the 19th June 2003

C. A. JADHAV,

Member,

Industrial Court Kolhapur.

Assistant Registrar,  
Industrial Court, Kolhapur.

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## BEFORE THE INDUSTRIAL COURT, MAHARASHTRA AT KOLHAPUR

REVISION APPLICATION (ULP) No. 96 OF 1999.—Shri Madan Bharat Bagade, At Post : Dabhol Port, Taluka Dapoli, District Ratnagiri.—*Petitioner—Versus—* (1) Divisional Traffic Superintendent, M. S. R. T. Corporation, Ratnagiri Division, Ratnagiri, (2) Divisional Controller, M. S. R. T. Corporation, Ratnagiri Division, Ratnagiri.—*Respondent Nos. 1 and 2.*

In the matter of revision under Sec. 44 of the M. R. T. U. & P. U. L. P. Act, 1971.

CORAM.—C. A. Jadhav, Member.

*Appearances.*—Shri M. K. Kadam, Advocate for the Petitioner.

Shri. M. G. Badadare, Advocate for the Respondents.

### Judgment

This is a Revision by an employee challenging legality of judgement and order passed in complaint (ULP) No. 62 of 1997 by the Labour Court, Kolhapur, whereby relief of reinstatement with continuity of service and full back wages is refused by dismissing his complaint.

2. Admittedly, the Petitioner (hereinafter called as the Complainant) was working with present Respondent (hereinafter called as the Corporation) as a conductor. He was on duty on 8th March 1994 on Mandangad to Palavani route. His bus was checked by Vigilance squad and member thereof made report to higher authorities regarding alleged misconducts found during the inspection. The Corporation then served chargesheet dated 21st April 1994 upon him alleging various misconducts. Then an enquiry took place. The Complainant participated in the enquiry. The Enquiry Officer held that all (seven) misconducts alleged in the charge sheet are proved. Ultimately, he was dismissed on 8th December 1994. His first departmental appeal was dismissed on 18th December 1995 whereas second on 26th November 1996.

3. Above Complaint was filed on 17th February 1997 alleging unfair labour practice under items 1(a), (b), (d), (f) and (g) of Sch. IV of the M. R. T. U. and P. U. L. P. Act, *inter alia*, contending that the bus was checked at a distance of four kilometers from the starting point whereas the first stage is of 6 K. Mtrs. As such, the inspection itself is patently illegal and in violation of checking directives. It is further alleged that irregularities of Rs. 10 only found and these took place on account of quarrels raised by some passengers, few minutes earlier to the inspection, regarding returning due amounts to them. In fact, the Complainant was going to issue the tickets prior to completion of first stage but the checking squad did not allow him to do so, as to look him for misconducts. It is further alleged that the Checking Squad recorded statements of the passengers to suit its convenience and compelled the Complainant to sign the same. Besides, his own statements were also involuntary. It is then alleged that the enquiry was farce and findings of the Enquiry Officer are perverse. Finally, the Complainant prayed for reinstatement with continuity of service and full back wages.

4. The Corporation filed its written statement at Exh. C-14 contending that various illegalities were found by the Checking Squad and hence the Complainant was suspended pending the enquiry. The enquiry is fair and proper and proper opportunity was given to the Complainant. The Enquiry Officer rightly held that the misconducts are proved and his findings are well justifiable. Proved misconducts are grave and serious and, therefore, punishment of dismissal is legal and proper. Finally, the Corporation justified its action and prayed for dismissal of the complaint.

5. The Labour Court then framed issues and the parties went to the trial. None of the parties led oral evidence. The Corporation produced entire enquiry papers alongwith Complainant's default card.

6. The labour Court, on perusal of evidence and hearing both parties, hold that the enquiry is fair and proper and findings of the Enquiry Officer are justifiable. It then held that punishment of dismissal is well justifiable for proved misconducts of misappropriation. Finally, it dismissed the complaint by judgment and order dated 23rd March 1999. The same is challenged in this Revision.

7. The Complainant preferred to file written arguments (Exh. U-7). In addition his Advocate made oral submissions. I heard Corporation's Advocate as well. Considering rival submissions, following points arise for my determination :—

- (i) Whether findings of the Enquiry Officer are baseless and perverse ?
- (ii) Whether punishment of dismissal is shockingly disproportionate ?
- (iii) Whether impugned decision warrants interference ?
- (iv) What order ?

6. My findings, on above points are as under :—

- (i) No.
- (ii) No.
- (iii) No.
- (iv) The Revisions Application is dismissed.

### **Reasons**

9. This being a Revision under section 44 of M. R. T.U. & P. U. L. P. Act, it is not necessary to scrutinise rival contentions meticulously. The only material question is whether the documents on record are incapable of supporting impugned decision. In other words, whether impugned decision is perverse or justifiable ?

10. No. Serious arguments were made regarding mechanism of the enquiry. Even then, I find the same to be fair proper. Learned Labour Court has recorded a proper finding of fact that it is fair and proper.

11. Shri Kadam, learned Advocate representing the Complainant pointed out that the bus was checked at a distance of 4 K. Mtrs. from its starting point. It is contrary to directives of the Corporation. The bus can be checked after Competitions of first stage and every conductor is permitted to issue tickets prior to completion of next stage. The Complainant was going to issue tickets on collection of fare but was prevented by the squad from doing so. No passengers were examined in the enquiry. These material aspects were totally ignored by the labour Court and, therefore, acceptance of findings of the Enquiry Officer is an error apparent on the face of the record.

12. Shri Badadare learned Advocate representing the Corporation replied that statements of the passengers were recorded in presence of the Complainant and hence their non-examination in the enquiry is inconsequential. There was no reason for the passengers to state falsely against the Complainant. Besides, the Complainant has admitted all irregularities with a proviso that those took place inadvertently being unaware of the stage and fare thereof. Learned Labour Court has thoroughly discussed all such aspects and then held that findings of the Enquiry Officer are proper.

13. As discussed by learned Labour Court, statements of concerned passengers are recorded in Complainant's presence. As such, their non-examination is inconsequential and Complainant's ples of obtaining their statements forcibly, is after thought. Such inference is supported by Complainant's spot statement admitting all irregularities. It is seen that the Complainant collected proper fare from some passengers but issued tickets of less denomination to them. This cannot take place inadvertently. He has further admitted in the spot statement that two passengers were not issued tickets despite collection from them. I, therefore, find that learned labour Court has rightly endorsed findings of the enquiry officer to be justifiable and there is no perversity or arbitrariness in reasoning thereof. Accordingly. I answer point No. 1 in the negative.

14. As regards, quantum of Punishment, Advocate Shri Kadam relied on decision in *Divisional Controller, Bhandara Versus Gulab Bhanderkar reported in 1998 (I) Mah. L. J. at page 818*. However, observations therein are not applicable here as Complainant's past record is not clean. The Complainant is punished twice. In addition, proved misconduct of misappropriation cannot be said to be a minor or technical one. Hon'ble Apex Court in *Janata Bazar Versus Secretary reported in 2000 II CLR at page 568* has observed that when misappropriation is proved, may be for small or large amount, there is no question of showing uncalled sympathy and the Labour Court cannot substitute penalty imposed by the employer in such cases. As such, it cannot be accepted that punishment of dismissal is shockingly disproportionate. Accordingly, I answer point No. 2 in the negative.

15. In the background of above discussions and findings, I hold that the learned Labour Court has rightly dismissed the complaint and there is no arbitrariness or perversity in impugned decision. On contrary, there is every substance in its reasoning. As such, no interference is called. Accordingly, I answer point No. 3 in the negative and pass following order :—

### Order

(i) The revision application is dismissed.

(ii) No order as to costs.

Kolhapur,

Dated the 23rd June 2003

C. A. JADHAV,

Member,

Industrial Court, Kolhapur.

V. D. PARDESHI,

Asstt. Registrar,

Industrial Court, Kolhapur.

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**BEFORE THE INDUSTRIAL COURT, MAHARASHTRA AT KOLHAPUR**

REVISION APPLICATION (ULP) Nos. 89/2000 AND 105/2002.—Deshbhakta Ratnappa Kumbhar Panchganga Sahakari Sakhar Karkhana Ltd, Ganganagar, Ichalkaranji.—*Petitioner (Respondent of Revision (ULP) No. 105/2002)*. —*Versus*— Mr. Annapa Dadu Gangai, At Post Kasaba Sangav, Taluka Kagal, District Kolhapur.—*Respondent (Petitioner of Revision (ULP) No. 105/2002)*.

In the matter of Revision u/s 44 of the MRTU & PULP Act.

CORAM.— C. A. Jadhav, Member.

*Appearances*.—Shri B. D. Manolkar, Advocate for the Petitioner.

Shri D. S. Desai, Advocate for the Respondent.

**Judgment**

These Revision are arising out of judgement and order passed in Complaint (ULP) No. 300 of 1995 by the Labour Court, Kolhapur, whereby an employer-Sugar Factory is directed to treat its employee in employment till the date of his superannuation and pay all retirement benefits alongwith 50% back wages holding that the Sugar Factory has engaged in an unfair labour practice.

2. Revision Application (ULP) No. 89/2002 is preferred by the Sugar Factory challenging entire decision whereas, Revision Application (ULP) No. 105 of 2002 by the an employee-Complainant to the extent of refusal to award full back wages.

3. Admittedly, the Complainant was in employment of the Sugar Factory since 25 years prior to presentation of above complaint. He was served with chargesheet dated 12th May 1989 and suspending pending the enquiry. It was alleged in the chargesheet that he made false propaganda with the Depositors of the Sugar Factory that they should not deposit their money, deposited amounts should be withdrawn as the Sugar Factory is unable to pay sugar-cane bills to its members, used to leave his place of work by violating orders of superiors, habitual negligence in his work and dishonesty with the business of the employer. The Complainant denied the charges and then the enquiry proceeded further. The Enquiry Officer held that all charges are proved. Ultimately, the Complainant came to be discharged on 9th February 1995.

4. It is case of the Complainant that he was working with the Sugar Factory as a Clerk Since 25 years and discharging his duty bonafidely and honestly. His past record is clean and unblemished. He was prevented on 13th May 1989 from attending the duties and then wrote a letter to Sugar Factory's Managing Director to allow him to join duties. Eventually, Chairman got annoyed and therefore, he was falsely chargesheeted. It is further alleged that enquiry is not fair and proper and findings of the Enquiry Officer are perverse. In addition, punishment of discharge is shockingly disproportionate. According to the Complainant, therefore, the Sugar Factory has engaged in unfair labour practice under item 1 (a), (b), (d), (e) and (g) of Sch. IV of M. R. T. U. and P. U. L. P. Act. Finally, he prayed for declaration of requisite unfair labour practice and reinstatement in service with full back wages.

5. The Sugar Factory filed its written statement at Exh. C-20, *inter alia*, contending that the Complainant committed serious misconducts and hence was required to be chargesheeted. Sufficient opportunity was given to the Complainant in the enquiry and the enquiry is fair and proper. Findings of the Enquiry Officer are based on evidence on record and well justifiable. Proved misconducts were grave and proper punishment of discharge was given. Finally, the Sugar Factory justified its action and prayed for dismissal of the complaint.



6. Considering rival pleadings, the labour Court framed issues and the parties went to the trial. None of the parties led oral evidence. The Sugar Factory produced entire enquiry papers, report of the Enquiry Officer and termination order.

7. Learned Labour Court, on perusal of evidence and hearing both parties, held that the enquiry is fair and proper and findings of the Enquiry Officer are well justifiable. As regards punishment, it observed that Complainant's past record of 25 years is good, same was totally ignored while imposing punishment and the punishment is an unfair labour practice. It then observed that forfeiture of 50% back wages for the proved misconducts, will be proper. Pending the complaint, the Complainant attained age of superannuation on 3rd March 2001. Learned Labour Court, therefore, directed to treat the Complainant in employment till 3rd March 2001 and pay retirement benefits to him alongwith 50% back wages. Finally, it allowed complaint, as above, *vide* judgment and order dated 12th August 2002. The same is challenged in these revisions.

8. I heard both Advocates. Considering rival submissions, following points arise for my determination :—

- (i) Whether findings of the Enquiry Officer are perverse ?
- (ii) Whether impugned punishment is an unfair labour practice ?
- (iii) Whether impugned decision warrants interference ?
- (vi) What order ?

9. My findings, on above points, are as under :—

- (i) No.
- (ii) Yes.
- (iii) No.
- (vi) Both Revision Applications are dismissed.

#### *Reasons*

10. These being Revisions under section 44 of the M. R. T. U. and P.U.L.P. Act, it is not necessary to scrutinise rival pleadings meticulously. The only material question is whether documents on record are incapable of supporting impugned decision. In other words, whether impugned decisions is perverse or unjustifiable ?

11. No serious arguments were advanced by Complainant's Advocate regarding fairness of the enquiry and alleged perverse finding of the Enquiry Officer. Learned Labour Court, on perusal of enquiry papers has rightly recorded and finding of fact that findings of the Enquiry Officer are not perverse. It is seen that the management has examined three witnesses and were cross-examined on behalf of the Complainant. As such, there is no error apparent on the face of the record while accepting findings of the Enquiry Officer accordingly. I answer Point No. 1 in the negative.

12. Shri Manolkar, learned Advocate representing the Sugar Factory argued that canvassing against Sugar Factory's financial soundness is a serious misconduct and cannot be viewed lightly. As such, there is no legal victimisation and the punishment is well justifiable.

13. Shri Desai, learned Advocate representing the Complainant replied that the misconduct is not like fraud or misappropriation. In fact, the Complainant is not a senior officer or a Director of the Sugar Factory whose opinion regarding financial status will have a material impact on the depositors. As such, punishment imposed amounts to legal victimisation and certainly disproportionats.

14. It is an admitted position that the Complainant is in employment as a clerk approximately from the year 1970. The Sugar Factory though denied that he was working honestly in the past, no past record is produced. As such, it has to be accepted that his past record is sufficiently good. Besides, he is not employed on a key post nor an expert in financial matters as well as planning thereof. In such circumstances, his opinion regarding Sugar Factory's financial unsoundness is negligible and no prudent depositor will be swayed by his advice. I can appreciate that remarks of a higher official or senior Director of the Factory may affect confidence and faith of the depositors. But the facts are otherwise. Eventually, his misconduct is not so serious so as to warrant punishment of discharge. On the contrary, his job is of a routine nature. I, therefore, find that learned labour court has rightly held that the punishment of discharge is an unfair labour practice. Accordingly, I answer point No. 2 in the affirmative.

15. It is not disputed by Advocate of the Sugar Factory that the Complainant has attained age of superannuation on 3rd March 2001. Consequently, learned Labour Court has rightly held that he cannot be reinstated. Considering nature of misconduct, the labour Court has rightly refused to grant full back wages. In such circumstances, I find that impugned decision no-where spells of arbitrariness. On the contrary, there is every substance in the entire reasoning and no interference is called for. Accordingly, I answer point No. 3 in the negative and pass following order :

### **Order**

- (i) Both Revision Applications are dismissed.
- (ii) Copy of this judgment be kept in other Revision Application.
- (iii) Parties to bear their own costs.

Kolhapur,

Dated the 13th June 2003.

C. A. JADHAV,

Member,

Industrial Court, Kolhapur.

Asstt. Registrar,

Industrial Court, Kolhapur.

**BEFORE THE INDUSTRIAL COURT, MAHARASHTRA AT KOLHAPUR**

REVISION APPLICATION (ULP) No. 154 OF 1999.—Subrao Shripati Kamble, At Post Mallewadi, Taluka Miraj, District Sangli.—*Petitioner.* —*Versus*— The Farm Manager, Balkrishna Live Stock Breeders Pvt. Ltd., Mallewadi, Taluka Miraj, District Sangli.—*Respondents.*

In the matter of Revision u/s 44 of the MRTU & PULP Act.

CORAM.—C. A. Jadhav, Member.

*Appearances.*—Shri Tanaji B. Patil, Rep. for the Petitioner.

Shri. H. G. Bhokare, Advocate for the Respondents.

**Judgement**

This is a Revision by original Complainant challenging legality of judgment and order passed in Complaint (ULP) No. 293 of 1993 by Labour Court, Sangli whereby, relief of reinstatement with continuity of service and full back wages is refused by dismissing his complaint.

2. Admittedly, present petitioner (hereinafter referred to as the Complainant) was in employment of present Respondent (hereinafter referred to as the Company) as a Farm Boy. The company is engaged in hatchery business. The Company terminated the Complainant with effect from 18th December 1993. Termination letter dated 15th December 1993 says that the Complainant is junior most employee, now no work is available which can be provided to the Complainant and therefore, he is retrenched with effect from 18th December 1993. It is further stated that one month's notice in lieu of notice and retrenchment compensation is sent by a cheque of same day *i.e.* 15th December 1993.

3. It is case of the Complainant that he joined the company on 1st January 1992. The Company has another Farm at Bedag and the employees working at Bedag were paid more wages. He therefore, organised the employees working with him and convinced them not to accept wages unless increased. It is alleged that, therefore, his services are terminated on false pretext. It is further case of the Complainant he attended duties as usual on 18th December 1993 on which he was orally informed that his services are terminated. He requested to issue written termination order but was told that the same is sent to him by post. He received the termination order by post on 20th December 1993. It is alleged that termination notice was received by him after his actual termination and there is no compliance of provisions of section 25 F of the I. D. Act. It is then alleged that seniority list was not published seven days prior to his termination and compensation paid is inadequate. It is also alleged that employees working at Bedag are asked to work at Mallewadi and *vice-a-versa* and, therefore, reason put forth for termination is unjustifiable. Finally, the Complainant alleged that the company has engaged in an unfair labour practice under items 1 (a), (b), (d) and (f) of sch. IV of the M.R.T.U. and P.U.L.P. Act.

4. The Complainant also filed an application (Exh. U-2) for interim relief to direct the Company to provide work and pay wages thereof, till decision of main complaint.

5. The Company filed its say *cum* written statement at Exh. C-1 contending that he Complainant was in employment from 10th August 1992 on daily wage basis and was legally retrenched with effect from 18th December 1993, as no work was available which can be provided to him. Farms at Bedag and Mallewadi are separate establishments and no employees are transferred interse. There were no sufficient orders and, therefore, the Complainant became

surplus and then was retrenched. Seniority list was published on 1st December 1992 and the Complainant was at Sr. No. 6. It is case of the Company that the Complainant was tendered notice of termination alongwith cheque of retrenchment compensation on 15th December 1993 but he refused to accept. Eventually, compensation and termination letter was sent to him by post. As such, there is no violation of provisions of section 25 F of the I. D. Act. Finally, the company prayed for dismissal of interim application as well as the complaint.

6. Considering rival pleadings, the labour court framed issues at Exh. O-4 and the parties went to the trial. The Complainant examined himself at Exh. U-19 whereas Company's Manager Shri Joshi at Exh. C-6. In addition, both parties relied upon documentary evidence.

7. Learned Labour Court, on perusal of evidence and hearing both parties, held that the Complainant was in employment from 10th August 1992 and not from 1st January 1992. It then held that the Complainant was offered retrenchment compensation on 15th December 1993 but refused to accept the same and tender of Compensation by a cheque dated 15th December 1993 is due compliance of provisions of Sec. 25 F of the I. D. Act. It further held that seniority list was published on 1st December, 1993, the Complainant was junior most and the rule "last come first go" is followed. It also held that the Complainant was provided work as and when available, as per directions in Application (Exh. U-2) for interim relief, and reason for termination/retrenchment cannot be said to be illegal. Finally, it held that the Complainant has failed to prove engagement in an unfair labour practice and dismissed the complaint on 6th May, 1999. Said decision is challenged in this Revision.

8. I heard both Advocates at length. Considering rival submissions, following points arise for my determination.

(i) Whether impugned decision that the Complainant has failed to prove an unfair labour practice, is justifiable ?

(ii) What order ?

9. My findings, on above points, are as under :

(i) Yes.

(ii) The Revision Application is dismissed.

#### *Reasons*

10. Shri Patil, learned representative of the Complainant vehemently argued that Company's plea of tendering compensation on 15th December 1993, refusal thereof and then sending the compensation by post is totally after thought. Had it been so, then there ought to have been an endorsement on the notice received by the Complainant that he refused to accept the notice as well as the retrenchment compensation and hence the same is tendered by post. On the contrary, the Complainant has immediately replied on 20th December 1993 that he was on duty on 16th, on leave on 17th, was not allowed to work on 18th and the termination is on account of his Union activities. It was obligatory for the company to pay the compensation on the date of termination and payment thereafter on 20th December 1993 is inconsequential. For that end, he relied on the decision of Hon'ble Apex Court in Sayyad Azam Hussaini *Versus* The Andhra Bank Ltd. Reported in 1995 I CLR at page 435.

11. Shri Bhokare, learned Advocate representing the Company replied in the first Phase that the Labour Court has recorded a finding of fact that the Complainant refused to accept retrenchment notice alongwith retrenchment compensation and evidence cannot be reappreciated

in this Revision. He then submitted Company's Manager has made an endorsement on 15th December 1993 on office-copy of retrenchment notice regarding refusal and directions to send the same by registered post acknowledgment due as well as under certificate of posting. Certificate of posting shows that the notice is sent to the Complainant on 16th December 1993. Likewise, postal authorities have put the date as "16th December 1993" on the registered envelope sent to the Complainant, which is produced by the Complainant himself. As such, tender of retrenchment compensation by Cheque on 15th December, 1993 i.e. prior to actual date of retrenchment is compliance of section 25F of the I. D. Act. In support of his arguments, he relied on the decisions in *Automobile Co-operative workshop Ltd. Jodhapur versus Jethamal Agrawal and Anr. reported in 1993 I CLR at page 264 (Rajathan H. C.)*, *G. D. Shinde Versus Associated Cement Co. and Anr. reported in 1995 I CLR at page 157 (Bom. H. C.)* and *Parry's (Cal) Employees Union and Anr. Versus Third Industrial Tribunal, West Bengal and Ors. reported in 2001 I CLR at page 777*. He then explained that decision in Andhra Bank's case is inapplicable to this case as retrenchment compensation was credited to employees account after three days of the termination.

12. It is not in dispute that a Cheque of Rs. 720 covering retrenchment compensation and one month's wages was enclosed alongwith termination/retrenchment letter dated 15th December 1993. The Complainant has received registered envelope on 20th December 1993. However, registered envelope bears the date as "16th December, 1993" of postal authorities. It also bears an endorsement of concern postman on its reverse side that the addressee did not meet on 17th December 1993 and 18th December 1993. In such circumstances, it has to be accepted that termination/retrenchment notice along with due retrenchment compensation was sent to the Complainant on 16th December 1993. It is held in *Automobile Co-operative Workshop, Jodhapur Versus Jatha-Man Agrawal* (referred) that tender of retrenchment compensation by a cheque on the same day along with order of termination can be said to be valid tender and there is no violation of Section 25 F of I. D. Act. It is observed that the cheque is a valid tender and no situation will change simply because the cheque cannot be encashed on that very day when the termination was effected. Similar observations are made in *G. D. Shinde Versus Associated Cement Co. Ltd* (referred above). In that case, services of an employee were terminated with effect from 10th November 1993 by intimating him by notice dated 8th November 1993 by enclosing bank draft covering notice pay and retrenchment compensation and the employee received the notice and draft on 23rd November 1993, even then, it was held that there is due compliance of Section 25 F of the I. D. Act. Same proposition is laid down in *Parry's (Cal) Employees Union Versus Third Industrial Tribunal, West Bengal and others* (referred above). Consequently, it has to be held that the Company has not violated provisions of Sec. 25 F of the I. D. Act and learned Labour Court has rightly rejected said plea of the Complainant. In Andhra Bank's case, the employee was terminated on 2nd January 1971 whereas retrenchment compensation was credited to his account on 5th January 1971. But such are not the facts of present case. In this case, the compensation is tendered by cheque prior to termination/retrenchment. As such, decision in Andhra Bank's case (referred above) is of no help to the complainant.

13. Shri Patil, then argued that seniority list published on 1st December, 1993 bears Complainant's name at Sr. No. 6. Company's Manager says that employees at Sr. No. 7 to 12 have left the job but no evidence about their leaving the job is produced. As such, rule of "last come first go" is violated.

14. Advocate Shri Bhokare replied that the Complainant has nowhere come with a case that employees junior to him are retained. Besides, the Complainant failed to object seniority list published on 1st December 1993. In such circumstances, statement of Company's Manager that other junior employees had already left the services, needs to be believed. He then explained that employees found working on 1st March 1994 on visit of Assistant Commissioner of Labour belong to other category and not to category of a Farm Boy. Therefore, learned Labour Court has recorded a finding of fact that there is no violation of Section 25 F of the I. D. Act.

15. It is simply alleged in the complaint that the company has failed to display seniority list seven day's prior to termination/retrenchment. It is not even whispered that employees junior to the Complainant are retained. Category of the employees found during visit of the Assistant Commissioner of Labour, is not brought on record. In such circumstances, one cannot jump to the conclusion that those employees were employed as Farm Boys. Besides, their dates of employment are also not on record. I, therefore, hold that learned labour Court has rightly held that there is no breach of Section 25 F of the I. D. Act.

16. As regards falsity of ground of termination/retrenchment, Shri Patil submitted that employees from both Farms of the Company are transferrable from one to another. Company's balance-sheet show increase in profits and hence grounds of termination/retrenchment is unjustifiable. Shri Bhokare replied that many factors are to be considered while considering strength of employees. There are ups and downs depending upon market situation and the Complainant was found excess at the relevant time. The Complainant was given appointments from time to time as per interim order of the Court. The main cause as alleged in the complaint itself is union-activities but there is no evidence of victimisation.

17. In my judgment, grounds of retrenchment cannot meticulously scrutinised being policy decision of employer. It is mainly alleged that the Complainant is terminated/retrenched due to union activities. But no satisfying evidence was adduced before the Labour Court and finding of fact recorded by Labour Court needs no interference.

18. In the background of above discussions, I find that learned Labour Court has rightly dismissed the complaint. Impugned decision nowhere spells of arbitrariness or perversity. On the contrary, reasons thereof are well justifiable. As such, no interference is called for. Accordingly, I answer Point No. 1 in the affirmative and pass following order :

### **Order**

(i) The Revision Application is dismissed.

(ii) Parties to bear their own costs.

Kolhapur,

Dated the 30th June 2003.

C. A. JADHAV,

Member,

Industrial Court, Kolhapur.

V. D. PARDESHI,

Asstt. Registrar,

Industrial Court, Kolhapur.

**BEFORE THE INDUSTRIAL COURT, MAHARASHTRA AT KOLHAPUR**

REVISION APPLICATION (ULP) No. 1 OF 2003.—Shri Dadaso Dhondiba Gadade, R/o. Goundwadi, Taluka Sangola, District Solapur. —*Petitioner*. —*Versus*— Maharashtra State Road Transport Corporation, Atpadi Depot, District Sangli.—*Respondent*.

In the matter of Revision U/s. 44 of the MRTU & PULP Act, 1971.

CORAM.—C. A. Jadhav., Member.

*Appearances*.—Shri K. D. Shinde, Advocate for the Petitioner.

Shri. A. N. Kulkarni, Law Officer, for the Respondent.

**Judgement**

(Dictated in open Court)

This is a revision by original Complainant challenging legality of order passed below Exh. U-2 in Complain (ULP) No. 3/2002 by Labour Court, Sangli, whereby interim relief of temporarily withdrawing his dismissal order and directing his employer original respondent to allow him to join duties, is rejected.

2. Admittedly, present petitioner (hereinafter referred to as the Complainant) was in employment of present Respondent-Corporation as a conductor from the year 1977. He was served with a chargesheet dated 25th July 2001 alleging unauthorised abseteesm from 26th April 2001 to 24th July 2001. Then an enquiry took place. Ultimately, he was dismissed with effect from 16th January 2002. It is case of the Complainant that he was sick and sent leave applications, from time to time, alongwith medical certificates. He was suffering from pains in abdomen and was required to take treatment of a doctor. As such, he was unable to join duties. Even then, he was falsely chargesheeted. His leave applications and medical certificate attached hereto were not at all considered and an adverse finding was recorded that he was unauthorisedly absent. According to him, therefore, findings of the Enquiry Officer are totally perverse. It is further alleged that his dismissal is by way of victimisation in the colourable exercise of powers for patently false reasons and is an unfair labour practice. Finally, he has prayed for reinstatement with continuity of service and full back wages. He also made an application (Exh. U-2) under section 30(2) of the MRTU and PULP Act claiming interim relief, as aforesaid.

3. The Corporation filed its say-cum written statement at Exh. C-4 contending that the Complainant was absent without getting the leave sanctioned and, therefore, was required to be chargesheeted. The enquiry is fair and proper. Besides, the Complainant was awarded punishments for similar previous misconducts and it is a case of chronic abseteesm. The medical certificates are not genuine and leave applications were submitted after expiry of leave period. Finally, the Corporation justified its action.

4. The Complainant produced his termination order whereas the Corporation entire enquiry papers alongwith Complainant's default card. Learned Labour Court on perusal of documentary evidence and hearing both parties, observed that the Complainant was punished in the past, for 21 times on account of abseteesm. It further observed that the Complainant has sent many leave applications from time to time alongwith medical certificate that he is suffering from pains in abdomen and peptic ulcer. It then observed that no evidence is produced on record regarding actual medical treatment i.e. prescription of doctor and bills of medicines and, therefore, no *prima facie* case of unfair labour practice is made out. It also observed that Complainant's past record is not good and he can get entire relief if succeeds finally. Ultimately, it rejected the interim application on 7th December 2002. The same is challenged in this Revision.

5. I heard both sides. Considering rival submissions, following points arise for my determination.

(i) Whether impugned decision of refusing to grant interim relief for non-production of evidence regarding medical treatment, is justifiable ?

(ii) What order ?

6. My findings, on above points, are as under :

(i) No.

(ii) The Revision Application is allowed.

#### *Reasons*

7. The Corporation has produced various leave applications made by the Complainant, from time to time. It is an admitted position that he made 5 applications for grant of medical leave. He has enclosed medical certificates of Dr. Chavan and Medical Officer of primary Health Centre at Kole, Taluka Sangola. It is also an admitted position that the Corporation has neither granted nor rejected those leave applications, did not communicate action there of to the Complainant, but directly served chargesheet alleging absenteeism.

8. Shri Shinde, learned Advocate representing the Complainant argued that the Labour Court has refused to grant interim relief on the sole ground that evidence regarding medical treatment is not produced. However, the medical certificates were admittedly annexed to all leave applications. Corporation's plea that medical certificates are fabricated, is totally after thought, otherwise, the Corporation could have easily rejected the leave applications or directed the complainant to furnish certificate of the Civil Surgeon. Issuance of chargesheet of absenteeism without granting or rejecting leave applications, is *prima facie*, a victimisation and colourable exercise of powers. In fact, there is proper justification for the absence *i.e.* medical certificates and those will have to be accepted at this *prima facie* stage. In support of his arguments, he relied on decision in *Maharashtra State Road Transport Corporation Versus Namdeo Ramchandra Musale reported in 2002 I CLR at page 1052 and Ahmedabad Municipal Transport Services Versus Dashrathbhai Balubhai Brahmakshatriya reported in 1996 Lab. I. C.-29 (Gujarat H. C.)*.

9. Shri Kulkarni, learned Law Officer of the Corporation replied that it was obligation of the Complainant to get the leave sanctioned but he remained absent without getting the same sanctioned and, therefore, was rightly chargesheeted for unauthorised absenteeism. The Complainant cannot presume that his leave applications will be sanctioned and cannot proceed on leave in anticipation of such sanction. Besides, his past record is full of absenteeism and hence punishment of dismissal is well justifiable.

10. It is surprising to note that all leave applications were accompanied by medical certificates, however, those are not at all considered. There was no difficulty for the Corporations in directing the complainant to produce medicate of Civil Surgeon if the Corporation doubted genuinness of the medical certificate. But nothing was communicated to the Complainant regarding his leave applications.

11. In the absence of any specific orders refusing to grant the leave it can be safely presumed that Complainant's Leave was deemed to have been sanctioned. Such observations are made in Musale's case (referred above). But it is seen that learned Labour Court has totally ignored such material facts and jumped to the conclusion that medical certificate cannot



be believed for want of evidence of medical treatment. Advocate Shri Shinde rightly submitted that prescriptions and medical bills are not retained by the Complainant as he was unaware of its need. In such circumstances, Corporation's plea that medical certificates are not genuine cannot be accepted *prima facie*. On the contrary, *prima facie*, the inference is otherwise. It is *prima facie* established that through the medical certificate that the Complainant was suffering from pains in abdomen, there was likelihood of peptic ulcer and, he was well justified in applying for leave. Learned Labour Court appears to have misdirected itself regarding genuineness of medical certificate. In my judgment, those are not disputed or challenged by the Corporation when submitted and, therefore, the leave applications were deemed to have been granted. I, therefore, *prima facie* hold that there was justifiable cause for absence.

12. As regards past record, the same is of no material importance, at this stage. It is held in Ahmedabad Municipal Transport Services's case (referred above) that past record loses significance when misconduct of wilful absence is found to be for justifiable cause. The past record will have to be considered only if the finding of the Enquiry Officer are held to be justifiable. At this stage, Complainant's absence from duty, appears to be for justifiable cause and for reasons beyond his control. Finally, I hold that the Complainant has made out a *prima facie* case of an unfair labour practice and was entitled to interim relief. Learned Labour Court has misconstrued the facts and was wrong in refusing to grant interim relief solely on the ground that there is no *prima facie* evidence regarding medical treatment. As such, impugned decision is liable to be set-aside by allowing the revision application. Accordingly, I answer Point No. 1 in the negative and pass following order :—

### Order

(i) The Revision Application is allowed.

(ii) Impugned order rejecting interim application (Exh. U-2) is set aside and said application is allowed.

(iii) The Respondent is directed to allow the Complainant to join duties or in the alternate deposit his monthly wages before the Labour Court, pending the hearing and final disposal of main complaint. This order shall be effective from 23rd July 2003.

(iv) R. & P. be sent to Labour Court and the parties shall appear there on 30th July, 2003.

(v) Parties shall bear their own costs.

Kolhapur,  
dated the 9th July 2003.

C. A. JADHAV,  
Member,  
Industrial Court Kolhapur.

V. D. PARDESHI,  
Asstt. Registrar,  
Industrial Court, Kolhapur.

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**BEFORE THE INDUSTRIAL COURT, MAHARASHTRA AT KOLHAPUR**

COMPLAINT (ULP) No. 380 OF 1998.—Narayan Krishna Kadokar, Plot No. 36, Rajendranagar, Arunodaya Housing Society, Kolhapur.—*Complainant*. —*Versus*— The Establishment Officer (Group IV). Maharashtra State Electricity Board, Prakashgad, Bandra East, Mumbai.—*Respondent*.

In the matter of Complaint u/s. 28 (1) read with items 9 and 10 of Sch. IV of the MRTU & PULP Act, 1971.

CORAM.—C. A. Jadhav., Member.

*Appearances*.—Shri A. G. Pansare, Advocate for the Complainant.

Shri S. R. Rane, Advocate & P. R. Rane, Adv. for the Respondents.

**Judgement**

This is a complaint purported to be under section 28 read with item 9 and 10 of Sch. IV of the MRTU and PULP Act.

2. It is not disputed that the Complainant joined the Respondent-Board in the year 1958 and retired as 'Artisan A' on 28th February 1995 as attained the age of superannuation. The Board published General Order No. 74 on 30th April 1974, dealing with the subject of promotion to higher post in respect of employees who have remained in a given post for 10 years or more on May, 1974. As per said order, the Board decided to extend special benefits to such an employee who remained on a given post for the 10 years or more, without advantage of higher post or higher grade for want of clear vacancies. Such benefit is to be extended irrespective of the fact whether suitable vacancies in the next higher post are available or not. The Board then modified General Order No. 74 *vide* correction slip No. 9 dated 6th May 1983 whereby condition of serving for 10 years came to be reduced to 6 years with effect from 1st April 1980. The Board further modified correction slip No. 9 by Resolution No. 1210 dated 6th November 1984 whereby benefit of higher post or grade was made available twice instead of once.

3. It is also an admitted position that the Complainant was granted pay scale of the post of Line construction Foreman with effect from 15th June 1985.

4. It is case of the Complainant that he continued to work on the post of "Artisan A" even after 15th June 1985 and, therefore, was entitled to second benefit *i.e.* pay scale of the post of Chief Foreman with effect from 15th June 1994. Accordingly, he, made an application to the Board for grant of second benefit but the Board rejected the same by order dated 27th November 1997. According to the Complainant, he received said order on 21st July 1998. It is alleged that second benefit is refused arbitrarily and illegally. His past record is totally unblemished. Finally, it is alleged that refusal to grant second benefit is an unfair labour practice.

5. On above averments, the Complainant has prayed for declaration of an unfair labour practice, direction to pay second benefit with effect from 15th June 1994 and other consequential reliefs.

6. The Respondent filed its written statement at Exh. C-15 contending that a Competent Selection Committee was appointed to consider the cases for grant of benefits under General Order No. 74. It considered confidential reports of the complainant in its meeting dated 18th June 1997 and found him unfit for second benefits. Accordingly, it was informed to the Complainant by letter dated 27th November 1997. It is then contended that benefit under General Order No. 74 is not an automatic but ability and performance is considered. In addition, plea of limitation is also raised. The Respondent then justified Board's action and prayed for dismissal of the complaint.

7. Considering rival pleadings, following issues were framed by me at Exh. U-1 :—

(i) Whether the complaint is within limitation ?

(ii) If finding of Issue No. 1 is in the negative, does the Complainant prove that there are good and sufficient reasons for condonation of delay?

(iii) Does the Complainant prove that he was legally entitled to have “G. O. 74” benefit secondly, with effect from 15th June, 1994 till his superannuations ?

(iv) does the Complainant prove that Board’s refusal to pay such benefit is arbitrary and without application of mind ?

(v) Does the Complainant prove that the Board has engaged in an unfair labour practice under item 9 of Sch. IV of the M. R. T. U. and P. U. L. P. Act ?

(vi) What order ?

8. My findings on the above issues are as under :—

(i) No.

(ii) Yes.

(iii) No.

(iv) No.

(v) No.

(vi) The complaint is dismissed.

### Reasons

9. The Complainant has produced copy of Board’s letter dated 27th November 1997 with list Exh. U-5. The Board did not produce any documentary evidence, No oral evidence was lead by either parties.

10. Admittedly, the Board informed the Complainant by letter dated 27th November 1997 that he was found unfit for second benefit with effect from 15th June 1994 till the date of his superannuation *i.e.* 28th February 1995.

11. Shri Pansare, learned Advocate representing the Complainant submitted that the Complainant has admittedly retired on 28th February 1995 and hence it cannot be accepted that refusal letter was served upon him, within reasonable time. On the contrary, the Complainant himself has endorsed on said letter that the same is received by him on 21st July 1998. As such, the Complainant filed on 31st July 1998 is well within limitation. He then submitted, in the alternate that alleged delay is not in-ordinate one and it be condoned by taking liberal view.

12. Shri Rane, learned Advocate representing the Respondent submitted that there is no oral evidence as to when the Complainant actually received said letter and hence the complaint is barred by limitation.

13. The Complainant has not stepped into witness box to prove that he received impugned letter on 21st July, 1998. His pleadings cannot take place of proof. I, therefore, held that the complaint is not within limitation. Accordingly, I answer issue No. 1 in the negative.

14. It is settled law that the Court should not be hyper technical while condoning the delay but should be rather liberal. Impugned letter bears office endorsement of 15th December, 1997. The Complainant was admittedly not in employment, at that time. Naturally, it must have been sent to him on his residential address. It is but natural for him to take advise of his colleagues and then to approach the Court. As such, there are good and sufficient reasons for late filing of the Complaint and the delay needs to be condoned. Accordingly, I answer Issue No. 2 in the affirmative.

15. Shri Pansare, learned Advocate representing the Complainant vehemently argued that Board's action is contrary to the object and scheme of General Order No. 74. In fact, the same was issued to overcome non-promotions for want clear vacancies. Besides, letter dated 27th November 1997 is a simple communication that the Complainant was found unfit. It was obligatory for the Board to disclose as to how the Complainant was found to be unfit. In fact, there are no adverse remarks in confidential report of the Complainant nor he is subjected to disciplinary action, at any time. As such, refusal to grant second benefit is clearly an unfair labour practice.

16. Advocate Shri Rane replied that the Complainant has come with a case of automatic entitlement to the second benefit of General Order No. 74 on completion of 9 years. However, such is not the scope and ambit of General Order No. 74. The employees who are granted such benefits have to give an undertaking that they will not refuse physical promotion involving transfer as and when higher post becomes vacant. The Board started constituting a Competent Selection Committee to bring more transparency and to remove impression of bias. The Committee does not consist of Board's Officer but of other competent persons. Element of objectivity came to be introduced and otherwise fitness for promotion is mandatory. Past Confidential Reports of 3 years are perused by the Committee and then decision is taken. The Complainant was found unfit for the second benefits. It is not case of the Complainant that his confidential reports are excellent but, even then, it not given benefit. He then clarified that scope of judicial review for the post of promotion is limited and the Courts have no jurisdiction to enter into assessment of reports by the Competent Selection Committee. In support of his arguments, he relied on the decisions in *M. S. E. Board Versus Dinkar Sadashiv Sane reported in 1993 I CLR at page 865 (Bom H.C.)*. He further relied upon two decisions of Hon'ble Apex Court in *State of M. P. Versus Shrikant Chaphekar reported in 1999 II LLJ at page 662* and *Amrik Singh Versus Union of India reported in 2002 Lab I. C. at page 2192*.

17. Decision in *M. S. E. Board Versus Dinkar S. Sane* (referred above) is in respect of interpretation of General Order No. 74. It is held that entitlement to benefit of General Order No. 74 is not automatic. In the present case. The Complainant does not passes requisite educational qualification for being promoted on the post of Chief Foreman. It cannot be ignored that post of Chief Foreman has more responsibility and accountability. As such, otherwise, Fitness for being promoted on such post, is must. It is clearly observed in *Dinkar Sane's* case as under :—

“In case the employee is guilty of any charge or the Confidential Reports of such employee indicates that he is misfit for the promotion or the employee has not passed necessary examination, then in such case, the employee cannot demand higher grade as of a matter of right”.

18. In such circumstances, I hold that benefit under general Order No. 74 is not automatic and cannot be claimed as of right. Hon'ble Apex Court in *Amrik Singh Versus union of India* (referred above) has made crystal clear that judicial review is permissible only to the extent of finding whether process in reaching decision has been observed correctly and not the decision as such. Admittedly Complainant's case was scrutinised by Competent Selection Committee and was found to be unfit. His unfitness is his general assessment and cannot be said to be an adverse remark which requires to be communicated to him. Besides, it is not case of the Complainant that his confidential reports are excellent. His main contention is entitlement to second benefit on completion of 9 years *i.e.* automatic one. His such plea is clearly answered by their lordships of Bombay High Court in *Dinkar Sane's case* (referred above). In my humble opinion, therefore, it is not necessary to repeat those observations in this judgment. Suffice to say that this decision of Bombay High Court clearly non-suits the Complainant. Even otherwise, decision of Competent Selection Committee cannot be a matter of judicial review as held in *Amrik Singh's case* (referred above). The Committee has scrutinised Complainant's case and found him to be unfit.

19. In the background of above discussions, I hold that the Complainant was not legally entitled to second benefit and Board's refusal to give such benefit is well justifiable. Accordingly, I answer Issue Nos. 3 and 4 in the negative and pass following order :—

### **Order**

- (i) The Complaint is dismissed.
- (ii) Parties to bear their own costs.

Kolhapur,  
dated the 23rd June 2003.

C. A. JADHAV,  
Member,  
Industrial Court, Kolhapur.

**BEFORE THE INDUSTRIAL COURT, MAHARASHTRA AT KOLHAPUR**

CRIMINAL REVISION (ULP) No. 2 of 2003.—Shri Babasahed Panditrao Patil, Chairman, Shri Datta Sahakari Sakhar Karkhana Ltd, Asurle Porle, Taluka Panhala, District Kolhapur.—*Petitioner.—Versus—* Shri Mahadeo Ramrao Patil, R/o Asurle, Taluka Panhala, District Kolhapur.—*Respondent.*

In the matter of Revision u/s 44 of the MRTU & PULP Act, 1971.

CORAM.—C. A. Jadhav, Member.

*Appearances.*—Shri A. S. Nevgi, Advocate & Shri D. D. Dhanawade, Advocate for the Petitioner.

Shri D. S. Joshi, Advocate for the Respondent.

**Judgement**

This is a Revision by Original Accused No. 1 challenging legality of order of issuing show cause notice to him, passed below Exh. U-1, in Criminal Complaint (ULP) No. 24/2002 by Labour Court, Kolhapur.

2. Admittedly, the petitioner-Accused No. 1 is Chairman of Datta Sahakari Sakhar Karkhana Ltd. Present Respondent-Complainant and three other employees of the Sugar Factory filed Complaint (ULP) No. 301/2001 against the Sugar Factory alleging unfair labour practice under various clauses of item 1 of Sch. IV of the M. R. T. U. and P. U. L. P. Act. They also filed an application (Exh. U-2) to direct the Sugar Factory to allow them to work temporarily on their previous post, till decision of main complaint. Notices of the complaint as well as interim application were served upon the Managing Director of the Sugar Factory. The Labour Court, after hearing both parties, allowed the interim application (Exh. U-2) on 29th January 2002. The Sugar Factory challenged said order before this Court by filing Revision Application (ULP) No. 17 of 2002, which was dismissed on 18th February 2002.

3. Present Respondent filed above criminal complaint on 14th November 2002 alleging that Sugar Factory's Chairman Accused No. 1 and Managing Director-Accused No. 2 Knowing and intentionally dis-obeyed interim order passed by the labour Court, thereby committed its contempt and prayed for legal action against them.

4. Learned Labour Court, on examining present Respondent on oath, issued show cause notice to Accused Nos. 1 and 2 as to why process should not be issued against them. Both Accused appeared through an Advocate, sought time to file say but failed despite an opportunity. Ultimately, their application (Exh. C-14) seeking time to file say came to be rejected on 28th April 2003.

5. It is contended in this Revision Application that averments in the complaint that the Managing Director showed his inability to obey interim order of Labour Court due to orders of the Chairman, are vague and without particulars. It is necessary to mention all material facts which constituted an offence. It is alleged that, therefore, there were no sufficient grounds to issue show cause notice to the Chairman Accused No. 1. Finally the Chairman-Accused No. 1 has prayed to set-aside order of issuing show cause notice to him by quashing original criminal complaint as against him.

6. I heard both Advocates. Considering rival submission, following points arise for my determination :—

(i) Whether impugned order issuing show cause notice to Accused No. 1 needs to be set-aside by quashing the complaint as against him, at this stage ?

(ii) What order ?

7. My findings, on above points, are as under :—

(i) No.

(ii) The Revision Application is dismissed.

### Reasons

8. It is not in dispute that Sugar Factory's Managing Director-Accused No. 2 alone was party to complaint (ULP) No. 301 of 2001 filed before the Labour Court, Kolhapur. Shri Dhanawade, learned Advocate representing Accused No. 1 submitted that vague allegations against Accused No. 1 without material particulars regarding date and time of refusal by Accused No. 2 do not constitute an offence. Those are usual allegations so as to drag Accused No. 1 in a criminal proceeding. In such circumstances, there were no sufficient grounds even to issue a show cause notice to him. But the Labour Court has not applied its mind and passed a mechanic order of issue show cause notice. Finally, he submitted that original criminal complaint be quashed as against Accused No. 1.

9. Shri Joshi, learned Advocate representing the Respondent-original Complainant replied that ample opportunity was given to both Accused to put their case before the Labour Court and this revision is filed *malafidely* only after rejecting their application seeking time to file say. They had ample opportunity to put their case grounds which are raised in the memo of Revision. Resorting to revisional remedy without filing say to the show cause notice is an abuse of process of law and no interference is warranted. He then submitted that the Revision Application be dismissed by granting compensatory cost to the Respondent.

10. Section 40 of the M. R. T. U. and P. U. L. P. Act provides that a Labour Court shall have all the powers under the Code of Criminal Procedure in respect of offences punishable under said Act. Consequently, any Accused can apply for re-calling order of issuing process. Likewise, the Chairman-Accused No. 1 can put his entire case before the Labour Court and pray for dropping the show cause notice as well as dismissing original criminal complaint against him. He can very well point out that allegations against him are baseless and there are no grounds to proceed against him. It is seen that this Revision Application is filed after the application seeking time to file say, is rejected. Advocate Shri Dhanwade was unable to satisfy me as to why grounds raised in this application were not put before the Labour Court. I, therefore, hold that no interference is called for, at this stage. Accordingly, I answer Point No. 1 in the negative.

11. Advocate Shri Dhanawade then submitted that the Labour Court be directed to allow Accused No. 1 to file his say to the show cause notice. In My judgment, Accused No. 1 can very well apply before the labour Court seeking permission to file say. As such, no directions need to be given to the Labour Court. Advocate Shri Joshi reiterated for compensatory cost. However, I am declining to award any cost.

12. Finally, I pass following order :—

### Order

(i) The Revision Application is dismissed.

(ii) R. & P. be sent to Labour Court forthwith and all parties shall appear there on 3rd July 2003.

(iii) Parties shall bear their own costs.

Kolhapur,  
dated the 23rd June 2003.

C. A. JADHAV,  
Member,  
Industrial Court, Kolhapur.

**BEFORE THE INDUSTRIAL COURT, MAHARASHTRA AT KOLHAPUR**

APPEAL (IC) Nos. 5/2000 and 6/2000.—(1) Sakharam Tukaram Pawar, Plot No. 21, East of Mukta Sainik Vasahat, Market Yard, Kolhapur.—*Appellant of (Appeal IC) No. 5/2000.* (2). Tukaram Budhaji Desai C/o. Shamrao Powar, H. No. 2352, Balbhim Galli, Kasaba Bavada, Kolhapur.—*Appellant of (Appeal IC) No. 6/2000.*—*Versus*— (1) The Executive Manager, Executive Joint Management Committee, The Kolhapur Cane Sugar Works Ltd., Kasaba Bavada, District Kolhapur.—*Respondent No. 1.* (2) Chh. Rajaram Sahakari Sakhar Karkhana Ltd. Kasaba, Bavada, District Kolhapur.—*Respondent No. 2.*

In the matter of Appeals u/s. 84 of BIR Act.

CORAM.— C. A. Jadhav, Member.

*Appearances.*—Shri U. B. Jadhav, Advocate for Appellants.

Shri A. T. Upadhye, Advocate for the Respondents.

**Common Judgement**

These Appeals are arising out of common Judgment and order passed in Application (BIR) Nos. 18 and 19 of 1984 by Labour Court, Kolhapur, whereby original applications are partly allowed directing present Respondent No. 1 to pay back wages to the Appellants for the 15th March 1984 to 18th August 1984, with costs of Rs. 1000.

2. Appeal (IC) No. 5 of 2000 is preferred by the Applicant Shri Powar who filed Application (BIR) No. 19/84 and Appeal (IC) No. 6/2000 by another Applicant Shri Desai who preferred Application (BIR) No. 18/84. Both Applications are decided by a common Judgment and order as common questions of law and facts were arising out of them.

3. Presnet Appellants (hereinafter referred to as the Applicants) initially filed above applications on 5th July 1984 under section 79 read with section 78 of the Bombay Industrial Relations Act against present Respondent No. 1 (hereinafter referred to as the Kolhapur Sugar works only *inter alia* contending that they were in employment of Kolhapur Sugar Works from 4th February 1980 as Assistant Supervisors in its security Department. The Kolhapur Sugar Works is and 'Undertaking' as provided under the BIR Act and is governed by Model Standing Orders. They were doing duties of perennial nature, however employed as temporaries for years together to deprive the Status and benefits of permanency. They were given artificial breaks of 3 days in every year. It is alleged that Time-Keeper of Kolhapur Sugar Works informed them on 14th March 1984 that they are given breaks as usual and will be called back for service as usual. However they were never called back. It is further alleged that they approached the employer on 14th May 1984 through Union but were not allowed to join duties. Ultimately, they served approach notice/letter dated 26th May 1984 upon the employer but it was neither complied nor replied. According to the Applicants, therefore they are orally terminated on 15th March 1984 without notice, notice pay or retrenchment compensation. Such action of Kolhapur Sugar Works is bad in law. Finally, they prayed for reinstatement with continuity of service and full back wages.

4. The Kolhapur Sugar Works filed identical written statement at Exh. C-7 in both applications and traversed some of the material allegations made by the Applicant. It contended that it is a seasonal undertaking and employs employees as per exigencies in the season. Accordingly, The Applicants were appointed on 7th September 1984 by office order No. 59 on temporary basis. It is then contended that applicants were taken back in service on temporary basis from 19th August 1984 and then were terminated on 10th September 1984 for want of work. I must state at this stage itself that date of alleged later employment *i.e.* 19th August 1984 is prior to the date of earlier employment *i.e.* 7th September 1984 and I am unable to understand as to how the later employment can be prior to the earlier employment. The Kolhapur sugar works then prayed for dismissal of the application.



5. Pending hearing of main applications, the applicants filed applications dated 21st May 1990 in each of the proceeding contending that name of Kolhapur Sugar Works is changed to Shri Chhatrapati Rajaram Sahakari Sakhar Karkhana Ltd. Kolhapur (hereinafter referred to as the Sugar Factory), business of the Kolhapur Sugar Works is continued by the sugar factory and the sugar factory be arrayed as Respondent No. 2.

6. Learned Labour Court then issue a show cause notice to the Sugar Factory as to why it should not be arrayed as Respondent No. 2. The Sugar Factory filed reply dated 25th July 1990 mainly contending that there is no relationship of employer and employee between the applicants and the Sugar Factory, the applicants were never in its employment, no cause of action has arisen against it and it is not a necessary party.

7. Learned Labour Court, on hearing both parties directed that the Sugar Factory be arrayed as Respondent No. 2. The Sugar Factory, however, failed to file its written statement.

8. The Labour Court then framed its at Exh. O-4 and the parties went to the trial. Both applicants then examined themselves on oath. Applicant Shri Powar was cross-examined on behalf of Sugar Factory and same cross-examination was adopted as cross-examination of another Applicant Shri Desai, *vide* purses Exh. C-36 in Application (BIR) No. 18/84. Advocate for Applicant Shri Desai put his no-objection for adopting cross-examination of Applicant Shri Powar as cross-examination of Applicant Shri Desai. Kolhapur Sugar Works did not participate in the trial and the proceedings were continued in its absence.

9. Learned Labour Court, on perusal of evidence and hearing the applicants as well as the Sugar Factory, observed that Kolhapur Cane Sugar Works has not led oral evidence to show that the applicants were in employment for a short period. It then believed testimony of the applicants that they worked continuously from 4th February 1980 to 14th March 1984. It then held that termination of the applicants without complying provisions under section 25F of the I. D. Act, is bad in law. It then observed that the Applicants were temporarily employed with effect from 19th August 1984 and then held that they are entitled to back wages for the period 15th March 1984 to 18th August 1984. As regards liability of the Sugar Factory, it observed that there is no pleading regarding liability of the Sugar Factory to pay back wages and liabilities prior to year 1986 is of Kolhapur Sugar Works only. Finally, it directed Kolhapur Sugar Works to pay back wages for the period 15th March 1984 to 18th August 1984 as the applicants have crossed the age of superannuation and accordingly partly allowed both applications, by a common judgment and order dated 20th June 2002. The same is challenged in this appeals.

10. Kolhapur Sugar Works Ltd. refused to accept notice of both appeals and hence the appeals are disposed off *ex-parte* against it. The Sugar Factory appeared through Advocate Shri Upadhye.

11. I heard both Advocates at length. Considering rival submissions, following points arise for my determination :—

(i) Whether impugned decision directing the Kolhapur Sugar Works alone to pay back wages, warrants interference ?

(ii) Whether both matters are required to be remanded back to the Labour Court in view of order permitting the appellants to produce additional evidence, in these appeals ?

(iii) What order ?

12. My findings, on above points, are as under :—

(i) Yes.

(ii) Yes.

(iii) Both Appeals are partly allowed.

### Reasons

13. Shri Jadhav, learned Advocate representing the appellants—Original Applicants took me through various documents produced by Sugar Factory with list Exh. 25 before Labour Court and argued that Government of Maharashtra appointed a Joint Management Committee on 28th November 1983 for operation of Kolhapur Sugar Works and then dissolved the committee on 26th May 1986 as its management was taken over by the sugar Factory. Consequently, all obligations of Kolhapur Sugar Works were also taken over by the Sugar Factory. An agreement to that effect has taken place on 31st October 1986. It was for Kolhapur Sugar works and /or Sugar Factory to produce requisite documents as those were with in its personal knowledge. However, those documents were not produced. Learned Labour Court, ought to have drawn adverse inference but took hyper technical view. It cannot be accepted that the Sugar factory has taken over management and ownership only but not the liabilities. Documents produced in the Appeal with Application (Exh. U-5) refer the agreement dated 31st October 1986 and accepting all assets and liabilities of Kolhapur Sugar Works. He then submitted that the matter be remanded to Labour Court, the Sugar factory be directed to produce requisite documents. And Such mode will be in the interest of both parties.

14. Shri Upadhye, learned Advocate representing the Sugar Factory replied that the applicants have admitted in the cross-examination that Kolhapur Sugar Works is in existence, liability, if any, cannot be fixed upon the Sugar Factory and it is not necessary to remand the matters. He further argued that the Applicants are bound by their admissions in the cross-examination and have to suffer for it. Finally, he submitted that both appeals be dismissed.

15. I must state, at the outset, that Application (Exh. U-5) seeking permission to produce additional evidence in the appeal is allowed by me. It is seen on perusal of those documents that management of Kolhapur Sugar works was taken over by the Sugar Factory and agreement dated 31st October 1986 took place between the parties regarding handing over of the business. Said agreement is certainly material and will throw light on the controversy, in either way. But the same is not produced on record. Advocate Shri Upadhye was unable to explain as to why said agreement was not produced on record by the Sugar Factory as contents therein are within its personal knowledge. In such circumstances, at ray admission of the applicants that Kolhapur Sugar Works is in existence, is of no legal consequences. There were documents before the Labour Court regarding appointment of Joint Management Committee, its dissolution and transfer of ownership of Kolhapur Sugar Works to Sugar Factory. As such, impugned decision fixing liability only upon Kolhapur Case Sugar works is unjustifiable and warrants interference. Accordingly, I answer Point No. 1 in the affirmative.

16. The Applicants are permitted to produce additional documentary evidence in appeals. The same needs to be appreciated after allowing the Sugar Factory to lead evidence, if any, in rebuttal to the same. In my judgment, therefore, it is necessary to remand both matters to the Labour Court for deciding them afresh. All parties can lead additional, oral, as well as documentary evidence and then the controversy can be decided effectively. Accordingly, I answer Point No. 2 in the affirmative.

17. I must also state that original applications are of the year 1984 and needs to be decided expeditiously. Besides, reasonable opportunity needs to be extended to all parties to lead oral or documentary evidence, if any, to substantiate their claim.

18. Finally, I pass following order :—

**Order**

(i) Both Appeals are partly allowed.

(ii) Impugned common judgment and order is set-aside and both matters are remanded to Labour Court for deciding them afresh.

(iii) The Labour Court is directed to issue fresh notice to Kolhapur Sugar Works only, give reasonable opportunity of being heard to all parties and decide main applications afresh.

(iv) R. & P. be sent to Labour Court, Kolhapur forthwith and parties shall appeal thereon 16th June, 2003. The Labour Court is directed to decide both matters within three months from the receipt of this order.

(v) Parties shall bear their own costs.

Kolhapur,

Dated the 9th June 2003.

C. A. JADHAV,

Member,

Industrial Court, Kolhapur.

V. D. PARDESHI

Asstt. Registrar,

Industrial Court, Kolhapur.

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**BEFORE THE INDUSTRIAL COURT, MAHARASHTRA AT KOLHAPUR**

REVISION APPLICATION (ULP) No. 93 of 2002.—Ibrahim Mahboob Shaikh, R/o Aman Nagar, Near Darge, Miraj, Dist Sangli. —*Petitioner.*—*Versus*— Maharashtra State Road Transport Corporation, Sangli Division, Sangli, through its Divisional Controller.—*Respondent.*

In the matter of Revision u/s. 44 of the M.R.T.U. & P.U.L.P. Act, 1971.

CORAM.—C. A. Jadhav, Member.

*Appearances.*—Shri K. D. Shinde, Advocate, for the Petitioner.

Shri. A. N. Kulkarni, Law Officer for Respondent.

**Judgement**

This is a Revision by Original Complainant challenging legality of final order passed below exh. U-1 in Misc. Application (ULP) No. 3/2000 by Labour Court, Sangli to the extent of imposing costs of Rs.1,000 upon him while condoning delay for late filing of a complaint under the M. R. T. U. and P. U. L. P. Act.

2. Admittedly, present petitioner (hereinafter called as the complainant) was in employment of present Respondent (hereinafter called as the Corporation) as a conductor. He was served with chargesheet dated 17th August 1998 alleging absence. Then an enquiry took place. Finally, he was dismissed from service on 24th March 1998. His first Departmental appeal was dismissed in September, 1998 where is second on 2nd February 1999.

3. The Complainant filed above application on 28th February 2002 contending that he was sick, taking medical treatment, had no financial support to file the complaint and, therefore, there is delay in filing the complaint. He then prayed for condoning the delay in late filing of the complaint.

4. The Corporation objected the application *vide* Reply Exh. C-3 contending that grounds put-forth for condonation of delay are false and imaginary and as such, no case is made out for condonation of delay. It then prayed for dismissal of the application.

5. The Complainant then examined himself on oath at Exh. U-3 and deposed in terms of averments in the application for condonation of delay. The Corporation did not lead any evidence.

6. Learned Labour Court, on perusal of evidence and hearing both parties, held that there was good and sufficient cause of condonation of delay and the delay needs to be condoned subject to heavy costs. It then imposed costs of Rs. 1,000 upon the Complainant directing that Rs. 500 thereof be credited to Government and Rs. 500 be paid to the Corporation. Impugned order to the extent of imposing costs, is challenged in this Revision.

7. I heard both sides. Considering rival submissions, following points arise for my consideration :—

(i) Whether imposition of costs of Rs. 1000 while condoning the delay is justifiable ?

(ii) What order ?

8. My findings on above points, are as under :—

(i) No.

(ii) The Revision Application is allowed.

### Reasons

9. Shri Shinde, learned Advocate representing the Complainant argued that imposing costs of Rs. 1000 while condoning the delay is contrary to objects of the M.R.T.U. and P.U.L.P. Act. The complainant is already out of employment, was unable to file the complaint on account of financial restraints and hence heavy cost of Rs. 1000 is totally unjustifiable.

10. Shri Kulkarni, learned Law Officer representing the Corporation, replied that costs are rightly imposed and supported impugned decision.

11. In my judgement, it is not necessary to state elaborately objectives of the M.R.T.U. and P.U.L.P. Act. It is enacted for the prevention of certain unfair labour practices and enforcing the provision relating to unfair labour practices. The Complainant is, admittedly, out of employment. In such circumstances, imposing costs of Rs. 1000 upon him is certainly unjustifiable. The same is contrary to objects underlying the M.R.T.U. and P.U.L.P. Act. Accordingly, I answer point No. 1 in the negative and pass following order.

### Order

(i) The revision application is partly allowed.

(ii) Impugned order to the extent of imposing costs of Rs. 1000/- upon the Complainant is quashed and set aside.

(iii) R. & P. be sent to labour Court. Sangli for further action according to provisions of law.

(iv) Parties to bear their own costs.

Kolhapur,

Dated the 9th June 2003.

C. A. JADHAV,

Member,

Industrial Court, Kolhapur.

V. D. PARDESHI

Asstt. Registrar,

Industrial Court, Kolhapur.

**BEFORE THE INDUSTRIAL COURT, MAHARASHTRA AT KOLHAPUR**

REVISION APPLICATION (ULP) No. 32 of 2001.—Shri Rajan Parsharam Khanvilkar, At Post Malvan, Taluka Dapoli, District Ratnagiri.—*Petitioner*.—*Versus*—The Divisional Controller, Maharashtra State Road Transport Corporation, Ratnagiri Division, Ratnagiri.—*Respondent*.

In the matter of Revision u/s. 44 of the MRTU & PULP Act, 1971.

CORAM.— C. A. Jadhav, Member.

*Appearances*.—Shri M. K. Kadam, Advocate for the Petitioner.

Shri. M. G. Badadare, Advocate, for the Respondent.

**Judgement**

This is a Revision by an employee-challenging legality of judgment and order passed in complaint (ULP) No. 241/97 by Labour Court, Kolhapur, whereby relief of reinstatement with continuity of service and full back wages is refused by dismissing his complaint.

2. Admittedly, Present Petitioner-Complainant was in employment of present Respondent-Corporation as a Conductor. He was on duty on 7th July 1995 on Dapoli-Unavare route. His bus was checked at Gaontale, whereby some irregularities were found. Eventually, he was served with a chargesheet dated 28th July 1995 mainly alleging fraud, dishonesty or misappropriation in connection with the business or property of the Corporation. Then supplementary chargesheet dated 5th August 1995 was served upon him alleging re-sale or re-issue of used tickets. Then an enquiry took place, wherein, it was held that the charges are proved. He was then awarded punishment of reduction of his monthly salary by two stages for a period of two years, *vide* order dated 22nd January 1996. He then preferred an appeal against the punishment.

3. It is also an admitted position that Corporation's Divisional Controller who is also the Appellate Authority *sue motu* reviewed decision of the enquiry, proposed to issue punishment of dismissal and issued a show cause notice dated 15th February 1996 to the Complainant as to why punishment of dismissal, instead of awarded punishment, should not be imposed. The Complainant gave an explanation stating that punishment of dismissal will be economical death of his family members and prayed for personal hearing so as to put his case properly. The Appellate Authority then set-aside previous punishment and awarded punishment of dismissal with effect from 13th July 1996, *vide* order dated 9th July 1996.

4. Above complaint came to be filed on 11th August 1997, with an application (Exh. U-2) for condonation of delay, *inter alia*, contending that the Appellate Authority failed to give an opportunity of personal hearing to the Complainant and did not send copy of his observations alongwith the show cause notice as prescribed by Discipline and Appeal Procedure of the Corporation. As such, Appellate Authority has acted contrary to the principles of natural justice by denying an opportunity to the Complainant. It is further contended that the Appellate Authority has mechanically awarded punishment of dismissal without observing or explaining as to why it is necessary to enhance the punishment. Besides, the Appellate Authority cannot *sue motu* review decision of the enquiry. It is then alleged that the Complainant is awarded two punishments for same misconduct and, therefore, punishment of dismissal is unsustainable in law. Finally, it is alleged that the Appellate Authority has engaged in the unfair labour practice under item 1(a), (b), (d) and (f) of Sch. IV of the M. R. T. U. and P. U. L. P. Act. The Complainant then prayed for condonation of delay, setting aside Appellate Authority's order, his reinstatement with continuity of service and full back wages and other consequential reliefs.

5. The Appellate Authority filed its written statement at Exh. C-12 contending that it has every right to *sue-motu* call for the enquiry papers, review the decision within one year, set aside Competent Authority's punishment and substitute its own order of enhancement or reduction in punishment as the case may be, or retain the original order of the Competent Authority. Complainant's explanation was called prior to imposing punishment of dismissal and principle of natural justice is following . Finally, it prayed for dismissal of the complaint.

6. Considering rival pleadings, the Labour Court framed issue at Exh. 0-15 and the parties went to the trial. None of the parties led oral evidence. The Complainant produced various documents whereas the Appellate Authority all.

7. Learned Labour Court, on perusal of evidence and hearing both parties, firstly held that the enquiry is fair and proper, findings of the Enquiry Officer are supported by evidence and punishment of dismissal is well justifiable. It then held that the Appellate Authority has power to review decision in any case. It further observed that the Complainant has not contended in explanation to the show cause notice that findings of the Enquiry Officer are perverse but has prayed for leniency and, therefore, failure to give personal hearing is inconsequential. It then held that the Appellate Authority has Set-aside earlier punishment while imposing punishment of dismissal and there is no case of two punishments for same misconduct. Ultimately, it held that no case of an unfair labour practice is proved and dismissed the complaint. Said decision is challenged in this Revision.

8. I heard both Advocates at length. Considering rival submissions, following points arise for my determination.

(i) Whether the Appellate Authority, in absence of an Appeal by Department, can *sue moto* enhance the punishment imposed by the Competent Authority ?

(ii) Whether the Complainant is awarded two punishments for one and the same misconduct ?

(iii) what order ?

9. My findings on above points, are as under :-

(i) Yes.

(ii) No.

(iii) The Revision Application is dismissed.

### Reasons

10. Admittedly, the Complainant filed an application (Exh. U-2) alongwith the complaint for compensation of delay. It was objected by the Appellate Authority *vide* reply Exh. C-12. Learned Labour Court condoned the delay by order dated 9th December 1997. The same is not challenged by the Divisional Controller, Appellate Authority.

11. I must also state that the learned Labour Court originally allowed the complaint by judgment and order dated 30th October 1998 on the ground that the Appellate Authority cannot enhance punishment imposed by the Competent Authority in absence of an Appeal by the Department for enhancement of the punishment. The Appellate Authority challenged said decision before this Court *vide* Revision Application (ULP) No. 12 of 1999 which came to be dismissed on 9th December 1999. The Appellate Authority then challenged both decisions before the Hon'ble High Court in writ petition No. 1354/2000 wherein, both decisions, with

consent of parties were set aside with a direction to decide the complaint on merits, within four months. It was observed that the Labour Court as well as this Court proceeded on the footing that there was no power to review punishment awarded by the Competent Authority and the Corporation could point out such power and its recognition by Division Bench of Hon'ble High Court in special Civil Application No. 4291/1973 (Maharashtra State Road Transport Corporation *Versus* T. D. Patankar) dated 20th December 1978 (unreported). There after the Labour Court dismissed the complaint on merits. Said decision is subject matter of this Revision.

12. It is interesting to note that the Complainant has not come with a case that original enquiry is unfair, improper, findings of the Enquiry Officer are perverse and punishment imposed is shockingly disproportionate. Even then, learned Labour Court has considered those points. On perusal reasoning thereof, I find that those are well justifiable, warranting no interference.

13. Shri Kadam, learned Advocate representing the Complainant artued firstly that the Appellate Authority was expected to give proper reasons for enhancing the punishment. Its punishment order nowhere depicts application of mind and it is mechanical one.

14. There cannot be second opinion to the proposition that punishment has to be in proportion to gravity of the misconduct. It is alleged in the chargesheet that the Complainant collected fare from various passengers but issued used tickets to them and thereby committed fraud, dishonesty or misappropriation. The misconducts are proved in the enquiry. Those cannot be said to be minor or technical. There are various decisions of Hon'ble High Court and Hon'ble Apex Court that punishment of dismissal for misappropriation, is justifiable. It cannot be ignored that the appellate Authority is a quasi judicial authority and no elaborate reasoning while enhancing punishment is expected. Consequently, it cannot be said that the Appellate Authority has enhanced the punishment mechanically and without application of mind.

15. It is an admitted position that Divisional and Traffic Superintendent of the Corporation was Enquiry Officer and is also a Competent Authority under the Discipline and Appeal Procedure to conduct the enquiry and to award punishment. The Divisional Controller is Appellate Authority. The Complainant has submitted his reply to the show cause notice proposing punishment of dismissal instead of punishment awarded by the Competent Authority. It is not in dispute that the appellate Authority did not give an opportunity of personal hearing to the Complainant. This fact was highly capitalised by Advocate Shri Kadam while arguing that no proper opportunity of being heard was given by the Appellate Authority. In my judgment, Complainant's explanation to the show cause notice, needs to be perused for that purpose. It is simply contended that punishment of dismissal will be economical death of his family members and he be given personal hearing to clarify his explanation. It is not case of the Complainant in the explanation that findings of the Enquiry Officer are perverse. As such, Complainant would have stated in terms of his explanation during personal hearing and no material purpose would have been served by giving opportunity of personal hearing. Learned Labour Court, therefore, has rightly observed that refusal to give personal hearing is inconsequential.



16. Shri Kakam relied on the decision in *Gujarat State Road Transport Corporation Versus D. L. Patel* reported in 2003 I. C. L. R. at page 871 on the points of power of Reviewing Authority to enhance the punishment and double punishment. He submitted that previous as well as enhance punishment is simultaneously imposed upon the Complainant. He pointed out that the Complainant was paid wages by reducing his monthly salary by two stages and simultaneously dismissed.

17. Shri Badadare learned Advocate representing the Corporation replied that clause 9 of Discipline and Appeal Procedure for Gujarat State Road Transport Corporation simply says that the Appellate Authority may *sue-motu* call for the enquiry papers and review the decision in any case as it deem fit, however, clause 9 of Discipline and Appeal procedure of Maharashtra State Road Transport Corporation clearly provides that the Appellate Authority can *sue moto* review the decision and substitute its own order of enhancement of the punishment. Besides, the punishment order dated 9th July 1996 of the Appellate Authority clearly shows that earlier punishment is set-aside and punishment of dismissal is imposed. As such, the Appellate Authority has every power to enhance the punishment and there is no double punishment for same misconduct.

18. It is held in *Gujarat State Road Transport Corporatin Versus D. L. Patel* (referred above) that Reviewing Authority cannot enhance punishment in the absence of specific provisions and the power of review cannot be execised while deciding appeal of the employee. I am respectfully bound by the observations of his lordships. However, in the present case, Rule 9 of the Dicipline and Appeal Procedure of M. S. R. T. C. is self eloquent. It is as under :—

“The Appellate Authority may, *sue-moto* call for the enquiry papers and review the decision in any case as it may deem fit within one year and set aside the competent authority’s order of punishment and substitute its own order by enhenchment or reduction of the punishment as the case may be or retain the original order of the Competent Authority.”

19. Thus, it is needless to state that specific power is given to the Appellate Authority to *sue-moto* call for the enquiry papers, set-aside Competent Authority’s order of punishment and substitute its own order by enhancement of the punishment. I, therefore, hold that the Appellate Authority can *sue-moto* enhance the punishment. Accordingly, I answer Point No. 1 in the affirmative.

20. It is no-body’s case that the Appellate Authority has exercised powers of review in the Appeal preferred by the Complainant. As such, observations in the decision relied by Advocate Shri Kadam are inapplicable. As regards double punishment. Appellate Authority’s order is crystal clear. It is specifically stated that punishment of reducing Complainant’s monthly salary by two stages for two years is set-aside and punishment of dismissal is imposed instead of the same. Consequently, it cannot accepted that the Complainant is punished twicely for same misconduct. I find that learned Labour Court has rightly rejected such plea of the Complainant. As regards wages paid to the Complainant, the same will be question of calculation and he will be entitled to deficit wages, if any, deducted from his wages as per earlier punishment. In any case, it does not mean that he is awarded two punishments for same misconduct. Accordingly, I answer Point No. 2 in the negative.

21. In the background of above discussions and findings, I hold that there is no merit in the Revision. There is no arbitrariness or perversity in impugned decision. On the contrary, there is every substance in its reasoning. Proved misconducts were grave and serious. Punishment imposed by the Competent Authority was dis-proportionate and, therefore, the Appellate Authority is well justifiable in reviewing the same and enhancing the punishment to that of dismissal. As such, no revisional interference is called for.

22. To conclude, I pass following order.

**Order**

(i) The Revision Applications are dismissed.

(ii) Parties shall bear their own costs.

Kolhapur,

Dated the 23rd June 2003.

C. A. JADHAV,

Member,

Industrial Court, Kolhapur.

V. D. PARDESHI,

Asstt. Registrar,

Industrial Court, Kolhapur.

## BEFORE THE INDUSTRIAL COURT, MAHARASHTRA AT KOLHAPUR

REVISION APPLICATION (ULP) No. 202 of 2000.—1. Executive Engineer, Doodhaganga Canal Division No. 1, Warna Bhavan, Tarabai Park, Kolhapur. 2. Sub-Divisional Officer, Doodhaganga Left Canal Sub-Division, Titave, Taluka Radhanagari Kolhapur.—*Petitioners.*—*Versus*— 1. Ananda Nanu Gurav, At Post Bhuawade, Post Panori, Taluka Radhanagari, District Kolhapur. 2. Shivaji Yashawant Chougule, At Post Nartawade, Taluka Radhanagari, Kolhapur. 3. Dhondiram Namdeo Shinde, At Post Yamage, Taluka Radhangari, Kolhapur.—*Respondents.*

In the matter of Revision u/s. 44 of the MRTU & PULP Act, 1971.

CORAM.—C. A. Jadhav, Member.

*Appearances.*—Shri D. J. Mangsule, Assistant Government Pleader for the Petitioners.

Shri. P. S. Kulkarni, Advocate for the Respondents.

### Judgement

This is a Revision by Original Respondents challenging legality of judgment and order passed in Complaint (ULP) No. 178 of 1991 by Labour Court. Kolhapur, whereby, they are directed to reinstate present Respondents—Original Complainants on their previous post with continuity of service and full back wages holding that their termination is an unfair labour practice.

2. Admittedly, present Respondents (hereinafter called as the Complainants) were working under present Petitioner No. 2 Sub-Divisional Officer as labourers. Present Petitioner No. 1 Executive Engineer is controlling Authority of daily rated and work charged employees. Their services were terminated by common order dated 31st May 1991 with effect from 1st July 1991. It is stated in said order that compensation will be paid to them after termination. Finally, they were terminated with effect from 1st July 1991.

3. It is Case of the Complainants that they were working as labourers respectively from 21st September 1982, 12th April 1984 and 1st December 1984 till their termination, have put continuous service but are terminated by violating provisions of Section 25 F of the I. D. Act. It is alleged that Respondents are under obligation to maintain divisional seniority list as per Kalelkar Settlement, prior to retrenching the employees. However, no such seniority list is maintained. It is further alleged that they are terminated by retaining employees junior to them. As such, their termination is in violation of provisions of Section 25 G of the I. D. Act as well as contrary to Government Resolution dated 10th July 1991. It is then alleged that Sub-Divisional Engineer-Respondent No. 2 is incompetent to terminate their services and their termination is *malafide* and victimisation. According to Complainants, therefore, their termination is an unfair labour practice under item 1 (a) (b), (d) and (f) of Sch. IV of the M. R. T. U. and P. U. L. P. Act. On such averments, the Complainants prayed for reinstatement with continuity of service and full back wages.

4. Respondents 1 and 2 filed their written statement at Exh. C-11 and traversed some of the material allegations made by the Complainants. They admitted averments in paragraph No. 3 of the Complaint regarding dates of employment of the Complainants and their termination by a common order. It is case of the Respondents that they were and are ready to pay retrenchment compensation prior to the termination and Respondent No. 2 informed concerned Junior Engineer under whom the Complainants were working, to communicate the Complainants to collect the compensation on or before 29th June 1991 as there was Sunday on 30th June 1991. However, none of them attended the Officer. As such, provisions under section 25F of the I. D.

Act were followed. It is then contended that proper seniority list at Divisional level is maintained. The Complainants are junior most employees and were terminated as per the seniority. Now, no work is available and hence the termination is justifiable. Finally, the Respondents justified their action and prayed for dismissal of the complaint.

5. Considering rival pleadings, the labour Court framed issues at Exh. 15 and the parties went to the trial. None of the parties led oral evidence but relied upon documentary evidence. The Complainants made an application (Exh. U-18) to direct the Respondents to verify correctness of particulars given in Annexure A to C thereof regarding their employment and to affirm the same or to produce concern Nominal Muster Rolls for their inspection. The Respondents filed to file say. Consequently, the Labour Court directed the Respondents to give inspection of concerned Nominal Muster Rolls to the complainants or their counsel. Advocate for the Complainants took inspection and submitted a report (Exh.24) that details regarding period of employment as stated in Annexure A to C of the Inspection Application (Exh. U-18) were found in the respective Nominal Muster rolls. The Respondents failed to file their say to the Inspection Report (Exh. U-24) and then learned Labour Court exhibited the same.

6. Learned Labour Court, on perusal of evidence and hearing both parties, observed that dates of employment of the Complainants as stated in the complaint are admitted by the Respondents, however, incorrect dates of their appointment are shown in the seniority list. It then observed that, therefore, principle "last come first go" is not followed and the Complainants are terminated to deprive benefits of employment for 5 years. It also observed that no evidence was led to justify the termination and documentary evidence regarding tendering the Compensation is untrustworthy. Finally, it held that the terminating are unfair labour practices and allowed the complaint, as above, on 29th September 2000. Said decision is challenged in this Revision.

7. I heard both sides. Considering rival submissions, following points arise for my determination.

(i) Whether impugned decision regarding affirmative finding of an unfair labour practice and granting consequential reliefs is justifiable ?

(ii) What order ?

8. My findings, on above points, are as under :—

(i) Yes.

(ii) The Revision Application is dismissed.

### **Reasons**

9. This being a Revision under Section 44 of the M. R. T. U. and P. U. L. P. Act, it is not necessary to scrutinise rival pleadings meticulously. The only material question is whether the documents on record are incapable of supporting impugned decision. In other words, whether impugned decision is perverse or justifiable.

10. Shri Mangsule, learned Assistant Government Pleader representing the Respondents argued that compensation was offered to the Complainants on 29th June 1991 but they refused to accept. Tender of compensation amounts to payment and, therefore, provision under section 25 F of the I. D. Act was complied. He further submitted that proper seniority list at Divisional level is maintained, the Complainants were junior most and the principle "last come first go" is followed. But the Labour Court misread the facts and recorded a perverse finding of an unfair labour practice.

11. Shri P. S. Kulkarni, learned Advocate representing the Complainants replied that the Respondents have admitted dates of employment of each complainant as avered in the complaint. Those dates and their employment thereafter was found in the original Nominal Muster Rolls, after inspection. Inspection Report is nowhere denied by the Respondents. As such, dates of appointment shown in the seniority list are naturally wrong and the principle "last come first go" was not followed. He then submitted that no oral evidence was led to prove that compensation was really offered and mere pleadings in the written statement cannot take place of proof. Finally, he supported impugned decision.

12. The Respondents have admitted dates of employment of each Complainant in their written statement. Facts admitted need not be proved. Even other wise, it was found during inspection that the Complainants were in employment respectively from 21st September 1982, 12th April 1984 and 1st December 1984. Inspection Report (Exh. 24) is not challenged by the Respondents. In such circumstances, learned labour Court was well justified in exhibiting the same. As per the seniority list, the Complainants are shown to be in employment respectively from 21st September 1989) 22nd September 1989 and 25th September 1989. It is not admitted by the Complainants. Naturally, It was for the Respondents to prove the contents therein. But no oral evidence was adduced especially to prove dates of appointments stated therein. On the contrary, admissions in the written statement coupled with inspection report prove the dates of employment as stated in the complaint. Naturally, the Complainants became senior employees. It consequently follows that principle 'last come first go' was not followed. As such, learned Labour Court has rightly held that the terminations are in violation of provisions of Section 25 G of the I. D. Act.

13. As regards tender of compensation, no oral evidence is adduced by the Respondents to prove that it was actually tendered but the Complainants refused to accept the same. In such circumstances, learned labour Court has recorded a finding of fact that plea of tender of compensation cannot be believed. Such finding of fact is justifiable. As such, learned labour Court has rightly held that the Complainants are terminated under the guise of retrenchment so as to victimise them, which is colourable exercise of powers and the termination is patently false reasons. Accordingly, I answer Point No. 1 in the affirmative.

14. To summaries, impugned decision does not spell of arbitrariness or perversity. On the contrary, there is every substance in its reasoning. As such, no interference is called for and there is no merit in the Revision Application.

15. Finally, I pass following order.

### Order

(i) The Revision Applications are dismissed.

(ii) Parties to bear their own costs.

Kolhapur,

Dated the 26th June 2003.

C. A. JADHAV,

Member,

Industrial Court, Kolhapur.

V. D. PARDESHI,

Asstt. Registrar,

Industrial Court, Kolhapur.

पुढील अधिसूचना इत्यादी असाधारण राजपत्र म्हणून त्यांच्यासमोर दर्शविलेल्या दिनांकांना प्रसिद्ध झाल्या आहेत :—

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गुरुवार, ऑगस्ट २२, २०१३/श्रावण ३१, शके १९३५

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### उद्योग, ऊर्जा व कामगार विभाग

मादाम कामा रोड, हुतात्मा राजगुरु चौक, मंत्रालय,  
मुंबई ४०० ०३२, दिनांक २२ ऑगस्ट २०१३.

### अधिसूचना

#### कामगार राज्य विमा अधिनियम, १९४८.

क्रमांक इएसआय. २०१३/प्र.क्र. २२५/कामगार-३.—कामगार राज्य विमा अधिनियम, १९४८ (१९४८ चा ३४) च्या कलम ९७ अन्वये प्रदान करण्यात आलेल्या शक्तींचा वापर करून निर्माण केलेल्या कामगार राज्य विमा (साधारण) विनियम, १९५० चे कलम ७६ अनुसार महाराष्ट्र शासन याद्वारे, वैद्यकीय अपिल प्राधिकरणावर प्रशासकीय न्यायाधीश, कामगार न्यायालय, नागपूर यांची न्यायीक अधिकारी म्हणून नेमणूक करित आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

सु. सा. चौधरी,  
कक्ष अधिकारी.

In pursuance of Clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. YACHIKA. 2013/CR-225/Lab-3, dated the 22nd August 2013, is published in the *Maharashtra Government Gazette*, Part I-L, under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

B. S. KOLASE,  
Joint Secretary to Government.

**INDUSTRIES, ENERGY AND LABOUR DEPARTMENT**

Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya,  
Mumbai 400 032, dated the 22nd August 2013.

**NOTIFICATION**

EMPLOYEES' STATE INSURANCE ACT, 1948.

No. ESI. 2013/CR-225/Lab-3.—In exercise of the powers conferred under section 97 of the Employees' State Insurance Act, 1948 (34 of 1948), and in accordance of the provisions of section 76 of the Employees' State Insurance (General) Regulation, 1950 the Government of Maharashtra hereby appoints the Administrative Judge of Labour Court, Nagpur on Medical Appeal Tribunal as Judicial Officer.

By order and in the name of the Governor of Maharashtra,

S. S. CHOUDHARI,  
Desk Officer.

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 शुक्रवार, ऑगस्ट २३, २०१३/भाद्र १, शके १९३५
 

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### उद्योग, ऊर्जा व कामगार विभाग

मादाम कामा रोड, हुतात्मा राजगुरु चौक, मंत्रालय,  
मुंबई ४०० ०३२, दिनांक २२ ऑगस्ट २०१३.

### अधिसूचना

#### कामगार राज्य विमा अधिनियम, १९४८.

क्रमांक इएसआय. २०१३/प्र.क्र. १६२/कामगार-३.—कामगार राज्य विमा अधिनियम, १९४८ (१९४८ चा ३४) च्या कलम ८७ व कलम ९१-अे अन्वये प्रदान करण्यात आलेल्या अधिकारांचा वापर करून, महाराष्ट्र शासन याद्वारे, इस्कॉन फुड रिलीफ फाऊन्डेशन, १९, जयंत इंडस्ट्रीयल इस्टेट, ६३, ताडदेव रोड, ताडदेव, मुंबई ४०० ०३४ ही आस्थापना दुकाने व आस्थापना अधिनियम, १९४८ च्या परिभाषेत मोडत नसल्याने या आस्थापनेस दिनांक २२ ऑगस्ट २०१३ पासून ते दिनांक २१ ऑगस्ट २०१४ पर्यंत एक वर्षाच्या कालावधीसाठी उक्त अधिनियमाच्या अंमलबजावणीतून सूट देत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

सु. सा. चौधरी,  
कक्ष अधिकारी.



In pursuance of Clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. ESI. 2013/CR-162/Lab-3, dated the 22nd August 2013, is published in the *Maharashtra Government Gazette*, Part I-L, under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

J. A. KHAVNEKAR,  
Under Secretary to Government.

**INDUSTRIES, ENERGY AND LABOUR DEPARTMENT**

Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya,  
Mumbai 400 032, dated the 22nd August 2013.

**NOTIFICATION**

EMPLOYEES' STATE INSURANCE ACT, 1948.

No. ESI. 2013/CR-162/Lab-3.—In exercise of the powers conferred under section 87 read with section 87 and 91-A of the Employees' State Insurance Act, 1948 (34 of 1948), and at all other powers enabling in that behalf the Government of Maharashtra hereby exempts ISCON Food Relief Foundation, 19, Jayant Industrial Estate, 63, Tardeo Road, Tardeo, Mumbai 400 034 as this establishment does not comes under preview of Shops and Establishment Act, 1948 hence the exemption is given from implementation of the provisions of the said Act for the period of one year from 22nd August 2013 to 21st August 2014.

By order and in the name of the Governor of Maharashtra,

S. S. CHOUDHARI,  
Desk Officer.

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 मंगळवार, ऑगस्ट २७, २०१३/भाद्र ५, शके १९३५
 

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### उद्योग, ऊर्जा व कामगार विभाग

मादाम कामा रोड, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई ४०० ०३२, दिनांक २७ ऑगस्ट २०१३

### अधिसूचना

#### महाराष्ट्र दुकाने व आस्थापना अधिनियम, १९४८.

क्रमांक बीएसई. ११/२०१२/प्र.क्र. २५३/कामगार-१०.—मुंबई दुकाने व आस्थापना अधिनियम, १९४८ (१९४८ चा मुंबई एकोणऐशी) (यात यापुढे ज्याचा “उक्त अधिनियम” असा उल्लेख करण्यात आलेला आहे.) यांच्या कलम ४ च्या परंतुकाद्वारे प्रदान करण्यात आलेल्या अधिकाराचा वापर करून, महाराष्ट्र शासन याद्वारे, उक्त अधिनियमाच्या अनुसूची दोन मध्ये खालीलप्रमाणे सुधारणा करीत आहे :—

उक्त अधिनियमाच्या अनुसूची दोन मधील क्रमांक “६२०” नंतर खालील नोंदीचा समावेश करण्यात येईल.

“६२१ मे. हॉटेल सहारा स्टार, सहारा  
हॉस्पिटॅलिटी लि., डोमेस्टिक  
एअरपोर्ट समोर, विलेपार्ले (पूर्व),  
मुंबई ४०० ०९९

उक्त अधिनियमाच्या कलम ३३(३) मधून खालील शर्तीच्या अधीन राहून :—

- (१) सदर सूट ही शासन राजपत्रात अधिसूचना प्रसिद्ध झाल्याच्या दिनांकापासून एक वर्षाच्या कालावधीकरिता लागू राहील.
- (२) कर्मचाऱ्यास दररोज ९ तास किंवा आठवड्यामध्ये ४८ तासांपेक्षा जास्त काम करणे आवश्यक असणार नाही.
- (३) प्रत्येक कर्मचाऱ्यास त्याच्या वेतनातून कुठल्याही प्रकारची कपात न करता आठवड्यातून एक दिवस भरपागारी सुट्टी देण्यात यावी व सुट्टीसंबंधीचे प्रत्येक महिन्याचे वेळापत्रक सूचना फलकावर आगाऊ लावण्यात यावे.
- (४) कोणत्याही कर्मचाऱ्यास त्याच्या अतिकालिक कामाबद्दल कलम ६३ मध्ये विहित केलेल्या दराने अधिक वेतन देण्यात यावे.
- (५) कर्मचाऱ्यांना राष्ट्रीय व सणाच्या सुट्ट्या देण्यात याव्यात.
- (६) प्रत्येक कर्मचाऱ्यास आस्थापनेकडून कलम २५ नुसार ओळखपत्र देण्यात यावे.
- (७) माहिला कर्मचाऱ्यांसाठी कामाच्या ठिकाणी स्वतंत्र लॉकर व विश्रांतीगृह यांची व्यवस्था करण्यात यावी.

- (८) ज्या महिला कर्मचाऱ्यांची कामाची वेळ संध्याकाळी ६-३० नंतर व सकाळी ६-०० पूर्वी सुरू होते, त्यांना त्यांच्या निवासस्थानापासून आस्थापनेपर्यंत व परतीसाठी सुरक्षारक्षकासह मोफत वाहनाची व्यवस्था करण्यात येईल.
- (९) महिला कर्मचाऱ्यांना रात्री गटागटाने काम देण्यात यावे.
- (१०) कोणत्याही स्त्री कर्मचाऱ्यांना त्यांच्या लेखी संमतीशिवाय एक आठवड्यापेक्षा अधिक काळ रात्रपाळी देण्यात येणार नाही.
- (११) महिला कर्मचाऱ्यांना बार/परमिट रूममध्ये काम करण्यास परवानगी देऊ नये.
- (१२) सदर सूट ही मुंबई दुकाने व आस्थापना अधिनियम, १९४८ पुरतीच मर्यादित आहे.
- (१३) वरील अटी व शर्ती व्यतिरिक्त अधिनियमातील इतर तरतुदी आस्थापनेस यथास्थिती लागू राहतील.
- (१४) वरीलपैकी कोणत्याही अटीचा व शर्तीचा भंग झाल्यास सूट आपोआप रद्द होईल.”

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

अ. म. बाविस्कर,  
कार्यासन अधिकारी.

In pursuance of Clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. BSE. 11/2012/CR 253/Lab-10, dated the 27th August 2013, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

BALASAHEB KOLASE,  
Joint Secretary to Government.

### INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya, Mumbai 400 032, dated the  
27th August 2013

#### NOTIFICATION

MAHARASHTRA SHOPS AND ESTABLISHMENT ACT, 1948.

No. BSE. 11/2012/CR 253/LAB-10.—In exercise of the powers conferred by the proviso to Section 4 of the Bombay Shops and Establishment Act, 1948 (Bom. LXXIX of 1948) hereinafter referred to as the said Act the Government of Maharashtra hereby amends Schedule II of the said Act as follows, namely :—

In Schedule II of the said Act, after entry “620” the following entry shall be added namely :—

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|--|--|
| <p>“621 M/s. Hotel Sahara Star,<br/>Sahara Hospitality Ltd.,<br/>Opp. Domestic Airport,<br/>Vileparle (E.),<br/>Mumbai 400 099</p> | <p>Section 33(3) subject to the following conditions :—</p> <ol style="list-style-type: none"> <li>(1) This exemption shall remain in operation for the period of one year from the date of Notification published in <i>Government Gazette</i>.</li> <li>(2) No employee shall be required to work for more than 9 hours in a day or 48 hours in a week.</li> <li>(3) Every employee shall be given one day holiday in a week without making any deductions from his/her wages on account thereof and list of the time table of such holidays for a month shall be placed on the notice board in advance.</li> <li>(4) The employees shall be entitled to overtime wages in accordance with Section 63 of the said Act.</li> <li>(5) Employees shall be given national and festival holidays.</li> <li>(6) Every employee shall be provided Identity Card, according to the Section 25.</li> <li>(7) Female employees shall be provided separate lockers and rest rooms at the work place.</li> <li>(8) The Female employees who are required to work after 6-30 p.m. and before 6-00 a.m. shall be provided them escorted transport facility from resident to establishment and return.</li> </ol> |
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- (9) Female employees shall be given work in group at night.
- (10) Any female employees, without their written consent, shall not be given night duty For more than one week.
- (11) Female employees shall not be allowed to work in bar/ permit room.
- (12) This exemption is related only to Bombay Shops and Estblishment Act, 1948.
- (13) Inspite of these terms and conditions, all the provisions of this Act shall applicable to the establishment duly.
- (14) In case on violation of any of th eabove terms and conditions, the exemption shall stand cancelled automatically”.

By order and in the name of the Governor of Maharashtra,

A. M. BAWISKAR,  
Section Officer.

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 बुधवार, ऑगस्ट २८, २०१३/भाद्र ६, शके १९३५
 

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### उद्योग, ऊर्जा व कामगार विभाग

मादाम कामा रोड, हुतात्मा राजगुरू चौक, मंत्रालय, मुंबई ४०० ०३२, दिनांक २८ ऑगस्ट २०१३.

### अधिसूचना

#### महाराष्ट्र दुकाने व आस्थापना अधिनियम, १९४८.

क्रमांक बीएसई. ०७/२०१०/प्र.क्र. २३६/कामगार-१०.—मुंबई दुकाने व आस्थापना अधिनियम, १९४८ (१९४८ चा मुंबई एकोणऐशी) (यात यापुढे ज्याचा “उक्त अधिनियम” असा उल्लेख करण्यात आलेला आहे.) यांच्या कलम ४ च्या परंतुकाद्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून, महाराष्ट्र शासन याद्वारे, उक्त अधिनियमाच्या अनुसूची दोन मध्ये खालीलप्रमाणे सुधारणा करीत आहे :—

उक्त अधिनियमाच्या अनुसूची दोन मधील क्रमांक “६२१” नंतर खालील नोंदीचा समावेश करण्यात येईल.

“६२२ मे. कनकिया हॉस्पिटॅलिटी लि., उक्त अधिनियमाच्या कलम ३३(३) मधून खालील शर्तीच्या अधीन राहून :—

युनिट-कोर्टयार्ड बाय मेरियट मुंबई (१) सदर सूट ही शासन राजपत्रात अधिसूचना प्रसिद्ध झाल्याच्या दिनांकापासून दोन वर्षांच्या कालावधीकरिता लागू राहील.

सीटीएस नं. २१५, अंधेरी-कुर्ला रोड (२) कर्मचाऱ्यास दररोज ९ तास किंवा आठवड्यामध्ये ४८ तासांपेक्षा जास्त काम करणे अंधेरी (पूर्व), मुंबई ४०० ०५९ आवश्यक असणार नाही.

(३) प्रत्येक कर्मचाऱ्यास त्याच्या वेतनातून कुठल्याही प्रकारची कपात न करता आठवड्यातून एक दिवस भरपागारी सुट्टी देण्यात यावी व सुट्टीसंबंधीचे प्रत्येक महिन्याचे वेळापत्रक सूचना फलकावर आगाऊ लावण्यात यावे.

(४) कोणत्याही कर्मचाऱ्यास त्याच्या अतिकालिक कामाबद्दल कलम ६३ मध्ये विहित केलेल्या दराने अधिक वेतन देण्यात यावे.

(५) कर्मचाऱ्यांना राष्ट्रीय व सणाच्या सुट्ट्या देण्यात याव्यात.

(६) प्रत्येक कर्मचाऱ्यास आस्थापनेकडून कलम २५ नुसार ओळखपत्र देण्यात यावे.

- (७) महिला कर्मचाऱ्यांसाठी कामाच्या ठिकाणी स्वतंत्र लॉकर व विश्रांतीगृह यांची व्यवस्था करण्यात यावी.
- (८) ज्या महिला कर्मचाऱ्यांची कामाची वेळ संध्याकाळी ६-३० नंतर व सकाळी ६-०० पूर्वी सुरू होते, त्यांना त्यांच्या निवासस्थानापासून आस्थापनेपर्यंत व परतीसाठी सुरक्षारक्षकासह मोफत वाहनाची व्यवस्था करण्यात येईल.
- (९) महिला कर्मचाऱ्यांना रात्री गटागटाने काम देण्यात यावे.
- (१०) कोणत्याही स्त्री कर्मचाऱ्यांना त्यांच्या लेखी संमतीशिवाय एक आठवड्यापेक्षा अधिक काळ रात्रपाळी देण्यात येणार नाही.
- (११) महिला कर्मचाऱ्यांना बार/परमिट रूममध्ये काम करण्यास परवानगी देऊ नये.
- (१२) सदर सूट ही मुंबई दुकाने व आस्थापना अधिनियम, १९४८ पुरतीच मर्यादित आहे.
- (१३) वरील अटी व शर्ती व्यतिरिक्त अधिनियमातील इतर तरतुदी आस्थापनेस यथास्थिती लागू राहतील.
- (१४) वरीलपैकी कोणत्याही अटीचा व शर्तीचा भंग झाल्यास सूट आपोआप रद्द होईल.”

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

अ. मि. बाविस्कर,  
कार्यासन अधिकारी.

In pursuance of Clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. BSE. 07/2010/CR 236/Lab-10, dated the 28th August 2013, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

BALASAHEB KOLASE,  
Joint Secretary to Government.

### INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya, Mumbai 400 032,  
dated the 28th August 2013

#### NOTIFICATION

MAHARASHTRA SHOPS AND ESTABLISHMENT ACT, 1948.

No. BSE. 07/2010/CR 236/LAB-10.—In exercise of the powers conferred by the proviso to Section 4 of the Bombay Shops and Establishment Act, 1948 (Bom. LXXIX of 1948) hereinafter referred to as the said Act the Government of Maharashtra hereby amends Schedule II of the said Act as follows, namely :—

In Schedule II of the said Act, after entry “621” the following entry shall be added, namely :—

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| <p>“622 M/s. Kanakia Hospitality<br/>Pvt. Ltd., Unit<br/>Courtyard by Marriot<br/>Mumbai International<br/>Airport, C.T.S. No. 215,<br/>Andheri Kurla Road,<br/>Andheri (E.),<br/>Mumbai 400 059</p> | <p>Section 33(3) subject to the following conditions :—</p> <ol style="list-style-type: none"> <li>(1) This exemption shall remain in operation for the period of two years from the date of Notification published in <i>Government Gazette</i>.</li> <li>(2) No employee shall be required to work for more than 9 hours in a day or 48 hours in a week.</li> <li>(3) Every employee shall be given one day holiday in a week without making any deductions from his/her wages on account thereof and list of the time table of such holidays for a month shall be placed on the notice board in advance.</li> <li>(4) The employees shall be entitled to overtime wages in accordance with Section 63 of the said Act.</li> <li>(5) Employees shall be given national and festival holidays.</li> <li>(6) Every employee shall be provided Identity Card, according to the Section 25.</li> <li>(7) Female employees shall be provided separate lockers and rest rooms at the work place.</li> <li>(8) The Female employees who are required to work after 6-30 p.m. and before 6-00 a.m. shall be provided them escorted transport facility from resident to establishment and return.</li> </ol> |
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- (9) Female employees shall be given work in group at night.
- (10) Any female employees, without their written consent, shall not be given night duty For more than one week.
- (11) Female employees shal not be allowed to work in bar/ permit room.
- (12) This exemption is related only to Bombay Shops and Estblishment Act, 1948.
- (13) Inspite of these terms and conditions, all the provisions of this Act shall applicable to the establishment duly.
- (14) In case on violation of any of the above terms and conditions, the exemption shall stand cancelled automatically.”

By order and in the name of the Governor of Maharashtra,

A. M. BAWISKAR,  
Section Officer.

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 गुरुवार, सप्टेंबर ५, २०१३/भाद्र १४, शके १९३५
 

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### उद्योग, ऊर्जा व कामगार विभाग

मादाम कामा रोड, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई ४०० ०३२,  
दिनांक ५ सप्टेंबर २०१३.

### अधिसूचना

#### महाराष्ट्र दुकाने व आस्थापना अधिनियम, १९४८.

क्रमांक बीएसई.११/२०१२/प्र.क्र. २७९/कामगार-१०.—महाराष्ट्र दुकाने व आस्थापना अधिनियम, १९४८ (सन १९४८ चा मुंबई एकोणऐंशी), (यात यापुढे ज्याचा “उक्त अधिनियम” असा उल्लेख करण्यात आलेला आहे.) यांच्या कलम ४ च्या परंतुकाद्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून, महाराष्ट्र शासन याद्वारे, उक्त अधिनियमाच्या अनुसूची दोनमध्ये खालीलप्रमाणे सुधारणा करीत आहे :—

उक्त अधिनियमाच्या अनुसूची दोनमधील क्रमांक “६२२” नंतर खालील नोंदीचा समावेश करण्यात येईल :—

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| <p>“६२३ मे. हायपरसिटी रिटेल (ई) लि., यांची खालील दुकाने :—</p> <p>(१) मे. हायपरसिटी रिटेल (ई) लि., मालाड लिंकरोड, मालाड (प). मुंबई ४०० ०६४.</p> <p>(२) बिग इंडीया मॉल, कासारवडवली पोलीस स्टेशनमागे, कासारवडवली, घोडबंदर रोड, ठाणे.</p> <p>(३) हायपरसिटी रिटेल इंडिया लि., प्लॉट नं. ३९/१, सेक्टर ३०/ए, सेंटर वन शॉपिंग मॉलजवळ, वाशी, नवी मुंबई ४०० ७०५.</p> <p>(४) पॅसिफिक मॉल, एस नं. ४२, ४३, फायनल प्लॉट नं. ३८७, शंकरशेठ रोड, स्वारगेट, पुणे ४११ ०३७.</p> | <p>उक्त अधिनियमाच्या कलमे ११ व १८ मधून खालील शर्तीच्या अधीन राहून :—</p> <p>(१) सदर सूट ही शासन राजपत्रात अधिसूचना प्रसिद्ध झाल्याच्या दिनांकापासून तीन वर्षांच्या कालावधीकरिता लागू राहील.</p> <p>(२) आस्थापना कोणत्याही दिवशी रात्री १०-३० वा. नंतर उघडी राहणार नाही.</p> <p>(३) प्रत्येक कर्मचाऱ्यास त्याच्या वेतनातून कुठल्याही प्रकाराची कपात न करता आठवड्यातून एक दिवस भरपगारी सुट्टी देण्यात यावी व सुट्टीसंबंधीचे प्रत्येक महिन्याचे वेळापत्रक सूचना फलकावर आगाऊ लावण्यात यावे.</p> |
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- (४) कर्मचाऱ्यास दररोज ९ तास किंवा आठवड्यामध्ये ४८ तासांपेक्षा जास्त काम करणे आवश्यक असणार नाही व दररोजच्या कामाची व्याप्ती ११ तासांपेक्षा जास्त असणार नाही.
- (५) प्रत्येक कर्मचाऱ्यास सलग पाच तास काम केल्यावर १ तासाची विश्रांती देण्यात यावी.
- (६) कोणत्याही कर्मचाऱ्यास त्याच्या अतिकालिक कामाबद्दल कलम ६३ मध्ये विहित केलेल्या दरानुसार अधिक वेतन देण्यात यावे.
- (७) महिला कर्मचाऱ्यांसाठी स्वतंत्र लॉकर, सुरक्षा व विश्रांती गृह यांची व्यवस्था करण्यात यावी.
- (८) महिला कर्मचाऱ्यांना त्यांच्या आस्थापनेपासून निवासस्थानापर्यंत सुरक्षारक्षकासह मोफत वाहनाची व्यवस्था करण्यात येईल.
- (९) महिला कर्मचाऱ्यांना रात्री ९.३० वा. नंतर कार्यरत ठेवता येणार नाही.
- (१०) कर्मचाऱ्यांना वेतनासह राष्ट्रीय व सणाच्या सुट्ट्या देण्यात याव्यात.
- (११) सदर सूट ही मुंबई दुकाने व आस्थापना अधिनियम, १९४८ पुरतीच मर्यादित आहे.
- (१२) वरील अटी व शर्ती व्यतिरिक्त अधिनियमातील इतर तरतुदी आस्थापनेस यथास्थिती लागू राहतील.
- (१३) वरीलपैकी कोणत्याही अटीचा व शर्तीचा भंग झाल्यास सूट आपोआप रद्द होईल.”

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

अ. म. बाविस्कर,  
कार्यासन अधिकारी.

In pursuance of Clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. BSE. 11/2012/C.R. 279/Lab-10, dated the 5th September 2013 is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

BALASAHEB KOLASE,  
Joint Secretary to Government.

**INDUSTRIES, ENERGY AND LABOUR DEPARTMENT**  
Mantralaya, Mumbai 400 032, dated the 5th September 2013.

**NOTIFICATION**

MAHARASHTRA SHOPS AND ESTABLISHMENT ACT, 1948.

No. BSE. 11/2012/C.R. 279/Lab-10.—In exercise of the powers conferred by the proviso to section 4 of the Maharashtra Shops and Establishment Act, 1948 (Bom. LXXIX of 1948), hereinafter referred to as the said Act, the Government of Maharashtra hereby amends Schedule-II of the said Act as follows, namely :—

In Schedule-II of the said Act, after entry “622” the following Entry shall be added, namely :—

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| <p>“623 The Following Shops of M/s Hypercity Retail (India) LTD. :—</p> <ol style="list-style-type: none"> <li>(1) M/s Hypercity Retail India Ltd., Malad Link Road, Malad West, Mumbai 400 064.</li> <li>(2) Big India Mall, Behind Kasarwadawali Police Station Kasarwadawali, Ghodbunder Road, Thane.</li> <li>(3) M/s HyperCity Retail India Ltd., Plot No. 39/1, Sec-30/A, Near Center One Shopping Mall, Vashi, Navi Mumbai 400 705.</li> <li>(4) Pacific Mall, S. No. 42, 43, Final, Plot No. 387, Shankershet Road, Swargate, Pune 411 037.</li> </ol> | <p>Sections 11 and 18 subject to the following conditions :—</p> <ol style="list-style-type: none"> <li>(1) This exemption shall remain in operation for the period of three years from the date of Notification published in the <i>Government Gazette</i>.</li> <li>(2) The establishment shall not remain open after 10-30 pm. on any day.</li> <li>(3) Every employee shall be given one day holiday in a week without making any deductions from his/her wages on account thereof and list of the time-table of such holidays for a month shall be placed on the notice board in advance.</li> <li>(4) No employee shall be required to work for more than 9 hours in a day or 48 hours in a week. The spread over of an employee shall not exceed 11 hours in a day.</li> <li>(5) Every employee shall be given a rest period of One hour after 5 hours of continuous work.</li> <li>(6) The employees shall be entitled to overtime wages in accordance with section 63 of the said Act.</li> </ol> |
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- (7) Female empolyees shall be provided separate lockers and rest-rooms at the work place.
- (8) The Female employees, shall be provided escorted transport facility from establishment to resident and return.
- (9) The Female employees, will not be allowed to work after 9-30 p.m.
- (10) Employees shall be given National and Festival holidays with wages.
- (11) This exemption is related only to Bombay Shops and Establishment Act, 1948.
- (12) Inspite of these terms and conditions, all the provisions of this Act shall applicable to the establishment duly.
- (13) In case of violation of any of the above terms and conditions, the exemption shall stand cancelled automatically.”

By order and in the name of the Governor of Maharashtra,

A. M. BAWISKAR,  
Section Officer.

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 बुधवार, सप्टेंबर ११, २०१३/भाद्र २०, शके १९३५
 

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### उद्योग, ऊर्जा व कामगार विभाग

मादाम कामा रोड, हुतात्मा राजगुरू चौक, मंत्रालय,

मुंबई ४०० ०३२, दिनांक ११ सप्टेंबर २०१३.

### अधिसूचना

#### महाराष्ट्र दुकाने व आस्थापना अधिनियम, १९४८.

क्रमांक बीएसई-०९/२०१२/प्र.क्र. २४६/कामगार-१०.—महाराष्ट्र दुकाने व आस्थापना अधिनियम, १९४८ (१९४८ चा मुंबई एकोणऐंशी ) (यात यापुढे ज्याचा “ उक्त अधिनियम ” असा उल्लेख करण्यात आलेला आहे.) यांच्या कलम ४ च्या परंतुकाद्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून, महाराष्ट्र शासन याद्वारे, उक्त अधिनियमाच्या अनुसूची दोनमध्ये खालीलप्रमाणे सुधारणा करीत आहे :—

उक्त अधिनियमाच्या अनुसूची दोनमधील क्रमांक “ ६२३ ” नंतर खालील नोंदीचा समावेश करण्यात येईल.—

<p>“ ६२४ मे. सुरेश कलेक्शन, २११८/१४, नवी पेठ, गणपती मंदिराजवळ, केळकर मार्केटसमोर, जळगाव ४२५ ००१.</p>	<p>उक्त अधिनियमाच्या कलम १८ मधून खालील शर्तीच्या अधीन राहून :—</p> <ol style="list-style-type: none"> <li>(१) सदर सूट ही शासन राजपत्रात अधिसूचना प्रसिद्ध झाल्याच्या दिनांकापासून तीन वर्षांच्या कालावधीकरिता लागू राहील.</li> <li>(२) प्रत्येक कर्मचाऱ्यास त्याच्या वेतनातून कुठल्याही प्रकारची कपात न करता आठवड्यातून एक दिवस भरपगारी सुट्टी देण्यात यावी व सुट्टीसंबंधीचे प्रत्येक महिन्याचे वेळापत्रक सूचना फलकावर आगाऊ लावण्यात यावे.</li> <li>(३) कर्मचाऱ्यास दररोज ९ तास किंवा आठवड्यामध्ये ४८ तासांपेक्षा जास्त काम करणे आवश्यक असणार नाही व दररोजच्या कामाची व्याप्ती ११ तासांपेक्षा जास्त असणार नाही.</li> <li>(४) प्रत्येक कर्मचाऱ्यास सलग पाच तास काम केल्यावर एक तासाची विश्रांती देण्यात यावी.</li> <li>(५) कोणत्याही कर्मचाऱ्यास त्याच्या अतिकालिक कामाबद्दल कलम ६३ मध्ये विहित केलेल्या दराने अधिक वेतन देण्यात यावे.</li> <li>(६) आस्थापना कोणत्याही दिवशी रात्री ८-३० वा. नंतर उघडी राहणार नाही.</li> </ol>
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- (७) सदर सूट ही मुंबई दुकाने व आस्थापना अधिनियम, १९४८ पुरतीच मर्यादित आहे.
- (८) वरील अटी व शर्तीव्यतिरिक्त अधिनियमातील इतर तरतुदी आस्थापनेस यथास्थिती लागू राहतील.
- (९) वरीलपैकी कोणत्याही अटीचा व शर्तीचा भंग झाल्यास सूट आपोआप रद्द होईल. ”
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महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

**अ. म. बाविस्कर,**  
कार्यासन अधिकारी.

In pursuance of Clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. BSE. 09/2012/C.R. 246/LAB-10, dated the 11th September 2013 is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

BALASAHEB KOLASE,  
Joint Secretary to Government.

**INDUSTRIES, ENERGY AND LABOUR DEPARTMENT**

Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya,  
Mumbai 400 032, dated the 11th September 2013.

**NOTIFICATION**

MAHARASHTRA SHOPS AND ESTABLISHMENT ACT, 1948.

No. BSE-09/2012/C.R. 246/Lab-10.—In exercise of the powers conferred by the proviso to Section 4 of the Maharashtra Shops and Establishment Act, 1948 (Bom. LXXIX of 1948) hereinafter referred to as the said Act the Government of Maharashtra hereby amends Schedule II of the said Act as follows, namely :—

In Schedule II of the said Act, after entry “623” the following Entry shall be added, namely.—

“ 624	M/s. Suresh Collection, 2118/14, Navi Peth, Near Ganpati Mandir, Opp. Kelkar Market, Jalgaon 425 001.	<p>Section 18 subject to the following conditions :—</p> <ol style="list-style-type: none"> <li>(1) This exemption shall remain in operation for the period of three years from the date of Notification published in the <i>Government Gazette</i>.</li> <li>(2) Every employee shall be given one day holiday in a week without making any deductions from his/her wages on account thereof and list of the time table of such holidays for a month shall be placed on the notice board in advance.</li> <li>(3) No employee shall be required to work for more than 9 hours in a day or 48 hours in a week. The spread over of an employee shall not exceed 11 hours in a day.</li> <li>(4) Every employee shall be given a rest period of one hour after 5 hours of continuous work.</li> <li>(5) The employees shall be entitled to overtime wages in accordance with Section 63 of the said Act.</li> <li>(6) The establishment shall not remain open on any day later than 8-30 p.m.</li> <li>(7) This exemption is related only to Bombay Shops and Establishment Act, 1948.</li> </ol>
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- (8) In spite of these terms and conditions, all the provisions of this Act shall be applicable to the establishment duly.
- (9) In case of violation of any of the above terms and conditions, the exemption shall stand cancelled automatically.”
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By order and in the name of the Governor of Maharashtra,

A. M. BAWISKAR,  
Section Officer.

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 मंगळवार, सप्टेंबर १७, २०१३/भाद्र २६, शके १९३५
 

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### उद्योग, ऊर्जा व कामगार विभाग

मादाम कामा रोड, हुतात्मा राजगुरू चौक, मंत्रालय,  
मुंबई ४०० ०३२, दिनांक १७ सप्टेंबर २०१३.

### अधिसूचना

#### महाराष्ट्र दुकाने व आस्थापना अधिनियम, १९४८.

क्रमांक एमएसए. ०५/२०१३/प्र.क्र. १४९/कामगार-१०.—मुंबई दुकाने व आस्थापना अधिनियम, १९४८ (१९४८ चा मुंबई एकोणऐंशी ) (यात यापुढे ज्याचा “ उक्त अधिनियम ” असा उल्लेख करण्यात आलेला आहे.) याच्या कलम ४ च्या परंतुकाद्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून, महाराष्ट्र शासन याद्वारे, उक्त अधिनियमाच्या अनुसूची दोन मध्ये खालीलप्रमाणे सुधारणा करीत आहे :—

उक्त अधिनियमाच्या अनुसूची दोन मधील क्रमांक “ ६२४ ” नंतर खालील नोंदीचा समावेश करण्यात येईल :—

- “ ६२५      मे. फाऊंटेन हॉस्पिटॅलिटी प्रा. लि.      उक्त अधिनियमाच्या कलम १९ मधून खालील शर्तीच्या अधीन राहून :—  
 (फ्लेमबोयन्ते रेस्टॉरंट), शॉप नं. ७,  
 आर्केड, डब्ल्यू.टी.सी., तळमजला,  
 कफपरेड, मुंबई ४०० ००५.
- (१) सदर सूट ही शासन राजपत्रात अधिसूचना प्रसिद्ध झाल्याच्या दिनांकापासून एक वर्षाच्या कालावधीकरिता लागू राहील.
  - (२) आस्थापना कोणत्याही दिवशी रात्री १-३० वाजलेनंतर उघडी राहणार नाही.
  - (३) कर्मचाऱ्यास दररोज ९ तास किंवा आठवड्यामध्ये ४८ तासांपेक्षा जास्त काम करणे आवश्यक असणार नाही व दररोजच्या कामाची व्याप्ती १२ तासांपेक्षा जास्त असणार नाही.
  - (४) प्रत्येक कर्मचाऱ्यास त्याच्या वेतनातून कुठल्याही प्रकारची कपात न करता आठवड्यातून एक दिवस भरपगारी सुट्टी देण्यात यावी व सुट्टीसंबंधीचे प्रत्येक महिन्याचे वेळापत्रक सूचना फलकावर आगाऊ लावण्यात यावे.
  - (५) कोणत्याही कर्मचाऱ्यास त्याच्या अतिकालिक कामाबद्दल कलम ६३ मध्ये विहित केलेल्या दराने अधिक वेतन देण्यात यावे.
  - (६) प्रत्येक कर्मचाऱ्यास सलग पाच तास काम केल्यावर एक तासाची विश्रांती देण्यात यावी.

- (७) कर्मचाऱ्यांना राष्ट्रीय व सणाच्या सुट्ट्या देण्यात याव्यात.
- (८) प्रत्येक कर्मचाऱ्यास आस्थापनेकडून कलम २५ नुसार ओळखपत्र देण्यात यावे.
- (९) महिला कर्मचाऱ्यांसाठी कामाच्या ठिकाणी स्वतंत्र लॉकर, सुरक्षा व विश्रांतीगृह यांची व्यवस्था करण्यात यावी.
- (१०) महिला कर्मचाऱ्यांना त्यांच्या निवासस्थानापासून आस्थापनेपर्यंत व परतीसाठी सुरक्षारक्षकासह मोफत वाहनाची व्यवस्था करण्यात येईल.
- (११) महिला कर्मचाऱ्यांना रात्री ९-३० वा. नंतर कामावर ठेवण्यात येऊ नये.
- (१२) महिला कर्मचाऱ्यांना मद्यविक्रीच्या ठिकाणी काम देण्यात येऊ नये.
- (१३) सदर सूट ही मुंबई दुकाने व आस्थापना अधिनियम, १९४८ पुरतीच मर्यादित आहे.
- (१४) वरील अटी व शर्ती व्यतिरिक्त अधिनियमातील इतर तरतुदी आस्थापनेस यथास्थिती लागू राहतील.
- (१५) वरीलपैकी कोणत्याही अटीचा व शर्तीचा भंग झाल्यास सूट आपोआप रद्द होईल. ”

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

**अ. म. बाविस्कर,**  
कार्यासन अधिकारी.

In pursuance of Clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. MSA. 05/2013/C.R. 149/Lab-10, dated the 17th September 2013 is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

BALASAHEB KOLASE,  
Joint Secretary to Government.

**INDUSTRIES, ENERGY AND LABOUR DEPARTMENT**

Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya,  
Mumbai 400 032, dated the 17th September 2013.

**NOTIFICATION**

MAHARASHTRA SHOPS AND ESTABLISHMENT ACT, 1948.

No. MSA. 05/2013/C.R. 149/Lab-10.—In exercise of the powers conferred by the proviso to Section 4 of the Bombay Shops and Establishment Act, 1948 (Bom. LXXIX of 1948) hereinafter referred to as the said Act the Government of Maharashtra hereby amends Schedule II of the said Act as follows, namely :—

In Schedule II of the said Act, after entry “624” the following entry shall be added, namely :—

- |   |  |
|---|--|
| <p>“ 625      M/s. Fountain Hospitality<br/>Pvt. Ltd., (Flamboyante<br/>Restaurant), Shop No. 7,<br/>Arcade W.T.C. Gr. Floor,<br/>Cuffe Parade,<br/>Mumbai 400 005.</p> | <p>Section 19 subject to the following condition :—</p> <ol style="list-style-type: none"> <li>(1) This exemption shall remain in operation for the period of one year from the date of Notification published in <i>Government Gazette</i>.</li> <li>(2) The establishment shall not remain open on any day later than 1-30 a.m.</li> <li>(3) No employee shall be required to work for more than 9 hours in a day or 48 hours in a week. The spread over of an employee shall not exceed 12 hours in a day.</li> <li>(4) Every employee shall be given one day holiday in a week without making any deductions from his/her wages on account thereof and list of the time table of such holidays for a month shall be placed on the notice board in advance.</li> <li>(5) The employees shall be entitled to overtime wages in accordance with Section 63 of the said Act.</li> <li>(6) Every employee shall be given a rest period of one hour after 5 hours of continuous work.</li> <li>(7) Employees shall be given national and festival holidays.</li> </ol> |
|---|--|

- (8) Every employee shall be provided Identity Card, according to the Section 25.
- (9) Female employees shall be provided separate lockers, Security and rest rooms at the work place.
- (10) The female employees shall be provided escorted transport facility from resident to establishment and return.
- (11) Female employees will not be allowed to work after 9-30 p.m.
- (12) Female employees shall not allow to work at the place where liquor is served.
- (13) This exemption is related only to Bombay Shops and Establishment Act, 1948.
- (14) In spite of these terms and conditions, all the provisions of this Act shall applicable to the establishment duly.
- (15) In case of violation of any of the above terms and conditions, the exemption shall stand cancelled automatically.”

By order and in the name of the Governor of Maharashtra,

A. M. BAWISKAR,  
Section Officer.

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बुधवार, सप्टेंबर २५, २०१३/आश्विन ३, शके १९३५

**उद्योग, ऊर्जा व कामगार विभाग**

मादाम कामा रोड, हुतात्मा राजगुरु चौक, मंत्रालय,  
मुंबई ४०० ०३२, दिनांक २५ सप्टेंबर २०१३.

**अधिसूचना**

**संदर्भ.**— महाप्रबंधक, मा. उच्च न्यायालय मुंबई, यांची अधिसूचना क्र. ए-३९०२/२०१३, दिनांक ५ ऑगस्ट २०१३.

**महाराष्ट्र कामगार संघांना मान्यता देण्याबाबत आणि अनुचित कामगार प्रथांना प्रतिबंध करण्याबाबत अधिनियम, १९७१.**

क्रमांक यूएलपी. २०१३/प्र.क्र. २३५/काम-३.—उपरोक्त संदर्भित अधिसूचनेस अनुसरून महाराष्ट्र कामगार संघांना मान्यता देण्याबाबत आणि अनुचित कामगार प्रथांना प्रतिबंध करण्याबाबत अधिनियम, १९७१ (१९७२ चा एक) याच्या कलम ६ अन्वये प्रदान करण्यात आलेल्या अधिकारांचा वापर करून, महाराष्ट्र शासन याद्वारे खाली नमूद केलेल्या न्यायिक आधिकाऱ्याची न्यायाधीश, कामगार न्यायालय या पदावर पुढीलप्रमाणे नियुक्ती करीत आहे :—

अ.क्र.	न्यायाधीशांचे नाव व सध्याचे पदनाम	कोणाच्या जागी	न्यायाधीशांचे नाव व नवीन पदनाम	शासन अधिसूचना क्रमांक
(१)	(२)	(३)	(४)	(५)
१	श्रीमती एस. एस. अन्सारी, सहदिवाणी न्यायाधीश, वरिष्ठ स्तर आणि अतिरिक्त मुख्य न्यायदंडाधिकारी, भंडारा.	श्री. एस. पी. पिंगळे	श्रीमती एस. एस. अन्सारी, न्यायाधीश, कामगार न्यायालय, भंडारा.	यूएलपी.१०८३/७०२५/ कामगार-९, दिनांक १० नोव्हेंबर १९८३.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

**सु. सा. चौधरी,**  
कार्यासन अधिकारी.

In pursuance of Clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. ULP.2013/C.R. 235/Lab-3, dated the 25th September 2013, Extra Ordinary is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

B. S. KOLASE,  
Joint Secretary to Government.

**INDUSTRIES, ENERGY AND LABOUR DEPARTMENT**

Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya,  
Mumbai 400 032, dated the 25th September 2013.

**NOTIFICATION**

*Ref.*— Notification by High Court of Judicature, Appellate side, Bombay,  
No. A-3902/2013, dated 5th August 2013.

MAHARASHTRA RECOGNITION OF TRADE UNIONS AND PREVENTION OF UNFAIR LABOUR PRACTICES ACT, 1971.

No. ULP. 2013/C.R. 235/Lab-3.—With reference to the Notification under reference, the Government of Maharashtra, hereby appoints the following judicial Officer as Judge of Labour Court in exercise of the powers conferred by Section 6 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair labour Practices Act, 1971(1 of 1972) :—

Sr. No.	Judge Name and Present Designation	On Whose Place	Judge Name and New Designation	Government Notification No.
(1)	(2)	(3)	(4)	(5)
1	Smt. S. S. Ansari, Joint Civil Judge, Senior Division and Additional Chief Judicial Magistrate, Bhandara.	Shri S. P. Pingle	Smt. S. S. Ansari, Judge, Labour Court, Bhandara.	ULP.1083/7025/ Lab-9, dated 10th November 1983.

By order and in the name of the Governor of Maharashtra,

S. S. CHAUDHARI,  
Desk Officer.

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गुरुवार, सप्टेंबर २६, २०१३/आश्विन ४, शके १९३५

## कामगार आयुक्त, मुंबई

“ कामगार भवन ”, ई-ब्लॉक, सी-२०, वांद्रे-कुर्ला संकुल, वांद्रे (पूर्व),  
मुंबई ४०० ०५१, दिनांक १३ सप्टेंबर २०१३.

## अधिसूचना

## किमान वेतन अधिनियम, १९४८.

क्रमांक ग्रा.वि./किवेअ/वि.भ./२०१३-२/कार्या-१०.— किमान वेतन अधिनियम, १९४८ अंतर्गत स्थानिक स्वराज्य संस्थांमधील (ग्रामपंचायत) कामधंदा या अनुसूचित उद्योगातील कामगारांकरिता विशेष भत्त्याचे दर दिनांक ७ ऑगस्ट २०१३ ते ३१ डिसेंबर २०१३ या कालावधीकरिता जाहीर करित आहे :—

अनु क्रमांक	अनुसूचित उद्योगाचे नाव	परिमंडळ निहाय विशेष भत्त्याचे दर				कालावधी	शेरा
		परिमंडळ १	परिमंडळ २	परिमंडळ ३	परिमंडळ ४		
(१)	(२)	(३)				(४)	(५)
		रुपये	रुपये	रुपये	रुपये		
१	स्थानिक स्वराज्य संस्थांमधील (ग्रामपंचायत) कामधंदा.	१,१००.००	१,१००.००	१,१००.००	..	प्रति महिना	

अ. खु. पेंडसे,  
कामगार उप आयुक्त (ग्रा. वि.)  
व सक्षम प्राधिकारी,  
किमान वेतन अधिनियम, १९४८, मुंबई.



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शुक्रवार, सप्टेंबर २७, २०१३/आश्विन ५, शके १९३५

### उद्योग, ऊर्जा व कामगार विभाग

मादाम कामा रोड, हुतात्मा राजगुरु चौक, मंत्रालय,  
मुंबई ४०० ०३२, दिनांक २६ सप्टेंबर २०१३.

#### अधिसूचना

क्रमांक अतिका. २०१३/प्र.क्र. ३०३/कामगार-८.—महाराष्ट्र रेकगनीशन ऑफ ट्रेड युनियन व प्रिव्हेंशन ऑफ अनफेअर लेबर प्रॅक्टीसेस अधिनियम, १९७१ (महा. १ चा १९७२) च्या कलम ८ अन्वये प्रदान करण्यात आलेल्या शक्तींचा वापर करून, महाराष्ट्र शासन याद्वारे तात्पुरती व्यवस्था म्हणून अनुसूचितील स्तंभ २ मधील औद्योगिक न्यायालयातील अन्वेषण अधिकारी या पदाचा अतिरिक्त कार्यभार अनुसूचितील स्तंभ ३ मधील अधिकाऱ्यांकडे व स्तंभ ४ मध्ये नमूद कार्यक्षेत्रासाठी जबाबदारी पार पाडण्यासाठी सोपवित आहे :—

#### अनुसूची

अ.क्र. (१)	अन्वेषण अधिकारी (२)	अतिरिक्त कार्यभार सोपविलेल्या अधिकाऱ्यांचे नाव व पदनाम (३)	कार्यक्षेत्र (४)
१	अन्वेषण अधिकारी, औद्योगिक न्यायालय, मुंबई.	श्री. दि. ना. पवार, स.का.अ., मुंबई.	मुंबई शहर व उपनगर (एन.एस. व टी. वॉर्ड वगळून)
२	अन्वेषण अधिकारी, औद्योगिक न्यायालय, ठाणे.	श्री. जे. एस. भुते, स.का.अ., ठाणे.	ठाणे, रायगड जिल्हा व मुंबई उपनगरातील एन. एस. व टी. वॉर्ड.
३	अन्वेषण अधिकारी, औद्योगिक न्यायालय, नागपूर.	श्री. मा. पे. मडावी, स.का.अ., नागपूर.	नागपूर जिल्हा
४	अन्वेषण अधिकारी, औद्योगिक न्यायालय, औरंगाबाद.	श्री. श्री. एम. मुझफ्फर, स.का.अ., औरंगाबाद.	औरंगाबाद जिल्हा

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

आ. गु. अस्वले,  
शासनाचे सह सचिव.

In pursuance of Clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. ATK. 2013/C.R. 3032/Lab-8, dated the 26th September 2013 is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. G. ASWALE,  
Joint Secretary to Government.

### INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya,  
Mumbai 400 032, dated the 26th September 2013.

#### NOTIFICATION

No. ATK. 2013/C.R. 303/Lab-8.—In exercise of the powers conferred by section 8 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (Mah. I of 1972) the Government of Maharashtra hereby as a temporary arrangement hands over the additional charge of Investigating Officer, in Industrial Court specified in coloumn 2 of the Schedule hereto to the Officers specified in coloumn 3 for the local areas respectively specified against them in column 4 of the Schedule to discharging the duties :—

#### *Schedule*

Sr. No. (1)	Investigating Officer (2)	Name of Officer (3)	Jurisdiction (4)
1	Investigating Officer, Industrial Court, Mumbai.	Shri D. N. Pawar, G.L.O., Mumbai.	Mumbai City and Suburban District (Excluding N.S.T. Ward)
2	Investigating Officer, Industrial Court, Thane.	Shri J. S. Bhute, G.L.O., Thane.	Thane, Raigad District N.S.T. Ward of Greater Mumbai.
3	Investigating Officer, Industrial Court, Nagpur.	Shri M. P. Madavi, G.L.O., Nagpur.	Nagpur District
4	Investigating Officer, Industrial Court, Aurangabad.	Shri Shree M. Muzaffar, G.L.O., Aurangabad.	Aurangabad District

By order and in the name of the Governor of Maharashtra,

A. G. ASWALE,  
Joint Secretary to Government.

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मंगळवार, ऑक्टोबर १, २०१३/आश्विन ९, शके १९३५

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In pursuance of Clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, No. MWA.2013/55/CR-28/Lab-7, dated the 1st October 2013, published in the *Maharashtra Government Gazette*, Part I-L, Extra Ordinary is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

J. A. KHAVNEKAR,  
Under Secretary to Government.

**INDUSTRIES, ENERGY AND LABOUR DEPARTMENT**

Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya,  
Mumbai 400 032, dated the 1st October 2013.

**C O R R I G E N D U M**

MINIMUM WAGES ACT, 1948.

No. MWA.2013/55/CR-28/Lab-7.—In Government Notification, Industries, Energy and Labour Department No. MWA.2013/55/CR-28/Lab-7, dated 5th July 2013, regarding the revision of the minimum rates of wages payable to the employees employed in the Scheduled Employment *viz.* “Employment in any residential hotel, restaurant or eating house as defined in the Bombay Shops and Establishments Act, 1948 ” published in Part I-L of the *Maharashtra Government Gazette*, Extra Ordinary, on page No. 3, in coloumn (3) of the Schedule, for the words :—

“Minimum rates of wages (per month) (in rupees)” the words “Minimum rates of wages (basic rates) (per month) (in rupees)” shall be substituted.

By order and in the name of the Governor of Maharashtra,

J. A. KHAVNEKAR,  
Under Secretary to Government.

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शुक्रवार, ऑक्टोबर ४, २०१३/आश्विन १२, शके १९३५

**उद्योग, ऊर्जा व कामगार विभाग**

मादाम कामा रोड, हुतात्मा राजगुरू चौक, मंत्रालय, मुंबई ४०० ०३२,  
दिनांक ४ ऑक्टोबर २०१३.

**अधिसूचना****औद्योगिक विवाद अधिनियम, १९४७.**

क्रमांक औविअ.८२०१३/प्र.क्र. १९०/कामगार २.— औद्योगिक विवाद अधिनियम, १९४७ (१९४७ चा चौदा) यांच्या कलम ७ व ८ अन्वये प्रदान करण्यात आलेल्या अधिकारांचा वापर करून तसेच मा. महाप्रबंधक उच्च न्यायालय, मुंबई यांची अधिसूचना क्रमांक ए-३९०२/२०१३, दिनांक ५ ऑगस्ट २०१३ या अधिसूचनेस अनुसरून महाराष्ट्र शासन याद्वारे खाली नमूद केलेल्या न्यायिक अधिकाऱ्याची पिठासिन अधिकारी, कामगार न्यायालय या पदावर पुढीलप्रमाणे नियुक्ती करीत आहे :—

अ.क्र.	न्यायाधिकाऱ्याचे नाव व सध्याचे पद	कोणाच्या जागी	पिठासिन अधिकाऱ्यांचे नाव व नवीन पदनाम	शासन अधिसूचना क्रमांक
(१)	(२)	(३)	(४)	(५)
१	श्रीमती एस. एस. अन्सारी, सहदिवाणी न्यायाधिश, वरिष्ठ स्तर आणि अतिरिक्त मुख्य न्याय दंडाधिकारी, भंडारा.	श्री. एस. पी. पिंगळे	श्रीमती एस. एस. अन्सारी पिठासिन अधिकारी, कामगार न्यायालय, भंडारा	आयडीए.१०८३/७०२४/ कामगार-९, दिनांक १० नोव्हेंबर १९८३.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

सं. धो. डगळे,

कार्यासन अधिकारी.

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. IDA. 82013/CR-190/LAB-2, dated the 4th October 2013, Extra Ordinary, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

S. K. GAWADE,  
Deputy Secretary to Government.

## INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,  
Mumbai 400 032, Dated the 4th October 2013.

### NOTIFICATION

INDUSTRIAL DISPUTE ACT, 1947.

No. IDA. 82013/CR-190/LAB-2.—In exercise of the powers conferred by section 7 and 8 of the Industrial Dispute Act, 1947 (14 of 1947), and with reference to the Notification of Registrar General, High Court, Bombay, No.A-3902/2013, dated 5th August 2013. The Government of Maharashtra hereby appoints the following Judicial Officer as Presiding Officer of Labour Court :—

Sr. No.	Judge's name and Present Designation	On Whose Place	Presiding Officer's Name and New Designation	Government Notification No.
(1)	(2)	(3)	(4)	(5)
1	Smt. S. S. Ansari, Joint Civil Judge, Senior Division and Additional Chief Judicial Magistrate, Bhandara.	Shri S. P. Pingle	Smt. S. S. Ansari, Presiding Officer, Labour Court, Bhandara.	IDA.1083/7024/ Lab-9, dated 10th November 1983.

By order and in the name of the Governor of Maharashtra,

S. D. DAGALE,  
Desk Officer.

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शुक्रवार, ऑक्टोबर ४, २०१३/आश्विन १२, शके १९३५

## उद्योग, ऊर्जा व कामगार विभाग

मादाम कामा रोड, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई ४०० ०३२,  
दिनांक ४ ऑक्टोबर २०१३.

## अधिसूचना

मुंबई औद्योगिक संबंध अधिनियम, १९४६.

क्रमांक मुं.औसं. ८२०१३/प्र.क्र. १९१/कामगार-२.— मुंबई औद्योगिक संबंध अधिनियम, १९४६ (१९४७ चा अकरा) याच्या कलम ९ अन्वये प्रदान करण्यात आलेल्या अधिकारांचा वापर करून तसेच मा. महाप्रबंधक उच्च न्यायालय, मुंबई यांची अधिसूचना क्रमांक ए-३९०२/२०१३, दिनांक ५ ऑगस्ट २०१३ या अधिसूचनेस अनुसरून महाराष्ट्र शासन याद्वारे खाली नमूद केलेल्या न्यायिक अधिकाऱ्यांची न्यायाधीश, कामगार न्यायालय या पदावर पुढीलप्रमाणे नियुक्ती करित आहे :—

अ.क्र.	न्यायाधीशाचे नाव व सध्याचे पद	कोणाची जागी	न्यायाधीशाचे नाव व नवीन पदनाम	संबंधित शासन अधिसूचना क्रमांक
(१)	(२)	(३)	(४)	(५)
१	श्रीमती एस. एस. अन्सारी, सहदिवाणी न्यायाधीश, वरिष्ठ स्तर आणि अतिरिक्त मुख्य न्याय दंडाधिकारी, भंडारा.	श्री. एस. पी. पिंगळे	श्रीमती एस. एस. अन्सारी, न्यायाधीश, कामगार न्यायालय, भंडारा.	बीआयआर.११८३/७०२३/ कामगार-९, दिनांक १० नोव्हेंबर १९८३.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

सं. धों डगळे,

कार्यासन अधिकारी.

n Pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. BIR. 82013/CR-191/LAB-2, dated the 4th October 2013 *Extraordinary*, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

S. K. GAWADE,  
Deputy Secretary to Government.

## INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,  
Mumbai 400 032, dated the 4th October 2013.

### NOTIFICATION

BOMBAY INDUSTRIAL RELATIONS ACT, 1946.

No. BIR. 82013/CR-191/LAB-2.—In exercise of the powers conferred by section 9 of the Bombay Industrial Relations Act, 1946 (11 of 1947), and with reference to the Registrar General, High Court, Bombay Notification No. A-3902/2013, dated 5th August 2013 the Government of Maharashtra hereby appoints the following Judicial Officer as Judge of Labour Court :—

Sr. No. (1)	Judge's Name and Present Designation (2)	On Whose Place (3)	Judge's Name and New Designation (4)	Government Notification No. (5)
1	Smt. S. S. Ansari, Joint Civil Judge, Senior Division and Additional Chief Judicial Magistrate, Bhandara.	Shri S. P. Pingle	Smt. S. S. Ansari, Judge, Labour Court, Bhandara.	BIR.1183/7023/ Lab-9, dated 10th November 1983.

By order and in the name of the Governor of Maharashtra,

S. D. DAGALE,  
Desk Officer.

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 सोमवार, ऑक्टोबर ७, २०१३/आश्विन १५, शके १९३५
 

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### उद्योग, ऊर्जा व कामगार विभाग

मादाम कामा रोड, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई ४०० ०३२, दिनांक ७ ऑक्टोबर २०१३

### अधिसूचना

#### महाराष्ट्र दुकाने व आस्थापना अधिनियम, १९४८.

क्रमांक एमएसए. ०८/२०१३/प्र.क्र. २६४/कामगार-१०.— महाराष्ट्र दुकाने व आस्थापना अधिनियम, १९४८ (१९४८ चा मुंबई एकोणऐशी) (यात यापुढे ज्याचा “उक्त अधिनियम”, असा उल्लेख करण्यात आलेला आहे.) यांच्या कलम ४ च्या परंतुकाद्वारे प्रदान करण्यात आलेल्या अधिकाराचा वापर करून, महाराष्ट्र शासन याद्वारे, उक्त अधिनियमाच्या अनुसूची दोन मध्ये खालीलप्रमाणे सुधारणा करीत आहे :—

उक्त अधिनियमाच्या अनुसूची दोन मधील क्रमांक “६२५” नंतर खालील नोंदीचा समावेश करण्यात येईल :—

“६२६ मे. योगर्टबे फुड्स अँड बेव्हरेज प्रा. लि., उक्त अधिनियमाच्या कलम ११ व कलम १८ मधून खालील शर्तीच्या शॉप नं. ११-बी, गगनगिरी सोसायटी, कार्टर रोड अधीन राहून :— समोर, खार (प.), मुंबई ४०० ०५२.

- (१) सदर सूट ही शासन राजपत्रात अधिसूचना प्रसिद्ध झाल्याच्या दिनांकापासून तीन वर्षांच्या कालावधीकरिता लागू राहील.
- (२) आस्थापना कोणत्याही दिवशी रात्री १०.३० वा. नंतर उघडी राहणार नाही.
- (३) प्रत्येक कर्मचाऱ्यास त्याच्या वेतनातून कुठल्याही प्रकाराची कपात न करता आठवड्यातून एक दिवस भरपगारी सुट्टी देण्यात यावी व सुट्टीसंबंधीचे प्रत्येक महिन्याचे वेळापत्रक सूचना फलकावर आगाऊ लावण्यात यावे.
- (४) कर्मचाऱ्यास दररोज ९ तास किंवा आठवड्यामध्ये ४८ तासांपेक्षा जास्त काम करणे आवश्यक असणार नाही व दररोजच्या कामाची व्याप्ती ११ तासांपेक्षा जास्त असणार नाही.



- (५) प्रत्येक कर्मचार्यास सलग पाच तास काम केल्यावर १ तासाची विश्रांती देण्यात यावी.
- (६) कोणत्याही कर्मचार्यास त्याच्या अतिकालिक कामाबद्दल कलम ६३ मध्ये विहित केलेल्या दराने अधिक वेतन देण्यात यावे.
- (७) महिला कर्मचार्यांसाठी स्वतंत्र लॉकर व विश्रांतीगृह यांची व्यवस्था करण्यात यावी.
- (८) आठवड्याच्या व इतर सुट्टीच्या संमतीपत्र दिलेल्या कर्मचार्यांनाच कामावर ठेवण्यात यावे.
- (९) महिला कर्मचार्यांना रात्री ८.३० वा. नंतर कार्यरत ठेवता येणार नाही.
- (१०) कर्मचार्यांना राष्ट्रीय व सणाच्या सुट्ट्या देण्यात याव्यात.
- (११) प्रत्येक कर्मचार्यास आस्थापनेकडून कलम २५ नुसार ओळखपत्र देण्यात यावे.
- (१२) आस्थापना बंद करण्याच्या वेळेतून सूट देण्यात येत असल्याने वाढीव कामासाठी नवीन कर्मचारी नियुक्त केले जावेत.
- (१३) महिला कर्मचार्यांना मद्यविक्रीच्या ठिकाणी काम देण्यात येऊ नये.
- (१४) सदर सूट ही मुंबई दुकाने व आस्थापना अधिनियम, १९४८ पुरतीच मर्यादित आहे.
- (१५) वरील अटी व शर्तीव्यतिरिक्त अधिनियमातील इतर तरतुदी आस्थापनेस यथास्थिती लागू राहतील.
- (१६) वरीलपैकी कोणत्याही अटीचा व शर्तीचा भंग झाल्यास सूट आपोआप रद्द होईल.”

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

**अ. म. बाविस्कर,**  
कार्यासन अधिकारी.

In pursuance of Clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. MSA. 08/2013/C.R. 264/LAB-10, dated the 7th October 2013 is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

BALASAHEB KOLASE,  
Joint Secretary to Government.

**INDUSTRIES, ENERGY AND LABOUR DEPARTMENT**

Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya,  
Mumbai 400 032, dated the 7th October 2013.

**NOTIFICATION**

MAHARASHTRA SHOPS AND ESTABLISHMENT ACT, 1948.

No. MSA. 08/2013/C.R. 264/Lab-10.—In exercise of the powers conferred by the proviso to Section 4 of the Maharashtra Shops and Establishment Act, 1948 (Bom. LXXIX of 1948) hereinafter referred to as the said Act the Government of Maharashtra hereby amends Schedule II of the said Act as follows, namely :—

In Schedule II of the said Act, after entry “625” the following Entry shall be added namely :—

- |  |  |
|--|--|
| <p>“626 M/s. Yourtbay Foods and Beverages Pvt. Ltd., Shop No. 11-B, Gagangiri Soc., Off. Carter Road, Khar (W.), Mumbai 400 052.</p> | <p>Section 11 and 18 subject to the following conditions :—</p> <ol style="list-style-type: none"> <li>(1) This exemption shall remain in operation for the period of three years from the date of Notification published in <i>Government Gazette</i>.</li> <li>(2) The establishment shall not remain open after than 10-30 p.m. on any day.</li> <li>(3) Every employee shall be given one day holiday in a week without making any deductions from his/her wages on account thereof and list of the time table of such holidays for a month shall be placed on the notice board in advance.</li> <li>(4) No employee shall be required to work for more than 9 hours in a day or 48 hours in a week. The spread over of an employee shall not exceed 11 hours in a day.</li> <li>(5) Every employee shall be given a rest period of one hour after 5 hours of continuous work.</li> <li>(6) The employees shall be entitled to overtime wages in accordance with Section 63 of the said Act.</li> <li>(7) Female employees shall be provided separate lockers and rest rooms at the work place.</li> </ol> |
|--|--|

- (8) The employees, who have given their consent be only placed on the day of weekly holiday or other holiday.
- (9) Female employees will not be allowed to work after 8.30 p.m.
- (10) Employees shall be given national and festival holidays.
- (11) Every employee shall be provided Identity Card, according to the Section 25.
- (12) As the exemption is given from closing time of the establishment, new staff shall be appointed for the extended work.
- (13) Female employees shall not allow to work at the place where liquor is served.
- (14) This exemption is related only to Bombay Shops and Establishment Act, 1948.
- (15) In spite of these terms and conditions, all the provisions of this Act shall applicable to the establishment duly.
- (16) In case of violation of any of the above terms and conditions, the exemption shall stand cancelled automatically."

By order and in the name of the Governor of Maharashtra,

A. M. BAWISKAR,  
Section Officer.

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 मंगळवार, ऑक्टोबर ८, २०१३/आश्विन १६, शके १९३५
 

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### उद्योग, ऊर्जा व कामगार विभाग

मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई ४०० ०३२, दिनांक ८ ऑक्टोबर २०१३.

### अधिसूचना

#### महाराष्ट्र सहाय्यक उपक्रम (खास उपबंध) अधिनियम.

क्रमांक (बीआरयू-२०१३/प्र.क्र.६५/१३/उद्योग-१०).— महाराष्ट्र सहाय्यक उपक्रम (खास उपबंध) अधिनियम (१९५८ चा ९६) कलम ३ चा पोट-कलम (१) आणि कलम ४ चे पोट-कलम (१), खंड(अ) उप खंड (चार) याद्वारे प्रदान करण्यात आलेल्या शक्तीचा वापर करून महाराष्ट्र शासन याद्वारे,—

(अ) असे घोषित करीत आहे की, ज्याला राज्य शासनाने पश्चिम महाराष्ट्र विकास महामंडळ आणि सिकॉम मार्फत सामुहिक प्रोत्साहन योजनेद्वारे रुपये ४,१५,०२,८७५ (रुपये चार कोटी पंधरा लक्ष दोन हजार आठशे पंच्याहत्तर फक्त) इतके अर्थसहाय्य केले आहे. त्या मेसर्स डीएसएल एन्टरप्रायझेस (प्रा.) लिमिटेड, नोंदणित कार्यालय दातार अपार्टमेंट, कमर्शियल कॉम्प्लेक्स, वकीलवाडी, नाशिक ४२२ ००१ (ज्याला यात यापुढे ‘सहाय्यक उपक्रम’ म्हणून संबोधण्यात आले आहे.) त्याला बेकारी निवारण्याचा एक उपाय म्हणून यास महाराष्ट्र सहाय्यक उपक्रम (खास उपबंध) अधिनियम, १९५८ अन्वये दिनांक ८ ऑक्टोबर २०१३ रोजी सुरू होणाऱ्या आणि दिनांक ७ ऑक्टोबर २०१४ रोजी संपणाऱ्या (दोन्ही दिवस धरून) एक वर्षाच्या कालावधीसाठी सहाय्यक उपक्रम म्हणून घोषित करीत आहे; आणि

(ब) असे निदेश देत आहे की, उक्त सहाय्यक उपक्रमाच्या संबंधात आणि उक्त सहाय्यक उपक्रम पुढील एक वर्षाच्या ज्या कालावधीत ‘सहाय्यक उपक्रम’ म्हणून चालू राहणार आहे त्या दिनांक ८ ऑक्टोबर २०१३ रोजी सुरू होणाऱ्या आणि दिनांक ७ ऑक्टोबर २०१४ रोजी संपणाऱ्या (दोन्ही दिवस धरून) एक वर्षाच्या कालावधीच्या संबंधात उपार्जित किंवा संपादित होणारे कोणतेही हक्क, विशेषाधिकार, बंधने किंवा दायित्वे उक्त उपक्रमाच्या कामगारांसाठी राज्य कामगार विमा महामंडळाच्या देय रकमा, कर्मचारी भविष्यनिर्वाह निधी आणि संकीर्ण तरतूदी अधिनियम, १९५२ (१९५२ चा १९), महाराष्ट्र जमीन महसूल संहिता, १९६६ (१९६६ चा महा.४१), महाराष्ट्र राज्य व्यवसाय, व्यापार, उपजिविका व नोकऱ्या यावरील कर अधिनियम, १९७५ (१९७५ चा महा.१६), आणि महाराष्ट्र मूल्यवर्धित कर अधिनियम, २००२ (महाराष्ट्र

राज्य २००५ अन्वये पत्करलेली कोणतीही दायित्वे), अन्वये उपार्जित अथवा पत्करलेली कोणतीही बंधने किंवा दायित्वे खेरीज करून आणि जी बांधने किंवा दायित्वे दिनांक ८ ऑक्टोबर २०१३ च्या पूर्वी उपार्जित अथवा पत्करलेली असतील त्यांच्या अंमलबजावणीसाठी असलेली कोणतीही उपाययोजना निलंबित केली जाईल आणि कोणतेही न्यायालय, न्यायाधिकरण, अधिकारी किंवा प्राधिकरण यांच्यापुढे असलेली त्यांच्या संबंधातील सर्व कार्यवाही स्थगित केली जाईल.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

रमेश कृ. निखारगे,  
कार्यासन अधिकारी.

**INDUSTRIES, ENERGY AND LABOUR DEPARTMENT**

Madam Cama Marg, Hutatma Rajguru Chowk,  
Mantralaya, Mumbai 400 032, dated the 8th October 2013.

**NOTIFICATION****MAHARASHTRA RELIEF UNDERTAKINGS (SPECIAL PROVISIONS) ACT.**

No. BRU-2013/C.R.65/13/Ind.10.— In exercise of the powers conferred by sub-section (1) of section 3 and sub-clause (iv) of clause (a) of sub-section (1) of section 4 of the Maharashtra Relief Undertakings (Special Provisions) Act (XCVI of 1958), the Government of Maharashtra hereby,—

(a) declares that the Industrial Undertaking called “ MESSERS DSL ENTERPRISES PRIVATE LIMITED ” having its Registered office at Datar Apartments, Commercial Complex, Vakilwadi, Nasik 422 001 (hereinafter referred to as (the said “ relief undertaking ”), to which the financial assistance of Rs.4,15,02,875 (Rupees Four Crores Fifteen Lakhs Two Thousand Eight Hundred and Seventy Five only) has been provided by the Government of Maharashtra under the Package Scheme of Incentives, through the Western Maharashtra Development Corporation Limited and the State Industrial and Investment Corporation of Maharashtra (SICOM), shall, for a period of one year commencing from the 8<sup>th</sup> October 2013 and ending on the 7<sup>th</sup> October 2014 (both days inclusive), be conducted to serve as a measure of unemployment relief; and

(b) directs that, in relation to the said relief undertaking and in respect of the said period of one year commencing from the 8<sup>th</sup> October 2013 and ending on the 7<sup>th</sup> October 2014 ( both days inclusive), for which the said relief undertaking continues as such, any rights, privileges, obligations or liabilities (except the obligations or liabilities incurred in favour of workmen of the said relief undertaking, the dues of Employees State Insurance Corporation and any liability incurred under the Employees, Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 (Mah. XVI of 1975) and the Maharashtra Value Added Tax Act, 2002 (Mah. IX of 2005), accrued or incurred before the 8<sup>th</sup> October 2013 and any remedy for the enforcement thereof shall be suspended and all proceedings relating thereto pending before any court, tribunal, officer or authority shall be stayed.

By order and in the name of the Governor of Maharashtra,

RAMESH K. NIKHARGE,  
Desk Officer.

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बुधवार, ऑक्टोबर ९, २०१३/आश्विन १७, शके १९३५

### उद्योग, ऊर्जा व कामगार विभाग

मादाम कामा रोड, हुतात्मा राजगुरु चौक, मंत्रालय,  
मुंबई ४०० ०३२, दिनांक ७ ऑक्टोबर २०१३.

### अधिसूचना

महाराष्ट्र रेकगनीशन ऑफ ट्रेड युनियन व प्रिव्हेंशन ऑफ अनफेअर लेबर प्रॅक्टीसेस अधिनियम, १९७९.

क्रमांक अतिका. २०१३/प्र.क्र. ३०३/कामगार-८.—महाराष्ट्र रेकगनीशन ऑफ ट्रेड युनियन व प्रिव्हेंशन ऑफ अनफेअर लेबर प्रॅक्टीसेस अधिनियम, १९७९. (महा. १ चा १९७२) च्या कलम ८ अन्वये प्रदान करण्यात आलेल्या शक्तींचा वापर करून, महाराष्ट्र शासन याद्वारे तात्पुरती व्यवस्था म्हणून अनुसूचितील स्तंभ २ मधील औद्योगिक न्यायालयातील अन्वेषण अधिकारी या पदाचा अतिरिक्त कार्यभार अनुसूचितील स्तंभ ३ मधील अधिकाऱ्यांकडे व स्तंभ ४ मध्ये नमूद कार्यक्षेत्रासाठी जबाबदारी पार पाडण्यासाठी सोपवित आहे :—

### अनुसूची

अ.क्र.	अन्वेषण अधिकारी	अतिरिक्त कार्यभार सोपविलेल्या अधिकाऱ्याचे नाव व पदनाम	कार्यक्षेत्र
(१)	(२)	(३)	(४)
१	अन्वेषण अधिकारी, औद्योगिक न्यायालय, कोल्हापूर.	श्री. सं. शा. महानवर, स.का.अ., कोल्हापूर.	कोल्हापूर, रत्नागिरी व सिंधुदुर्ग जिल्हा.
२	अन्वेषण अधिकारी, औद्योगिक न्यायालय, सोलापूर.	श्री. चे. बा. तांगडे, स.का.अ., सोलापूर.	सोलापूर जिल्हा
३	अन्वेषण अधिकारी, औद्योगिक न्यायालय, नाशिक.	श्री. बी. टी. रामोळे, स. का. अ. नाशिक.	नाशिक जिल्हा

(१)	(२)	(३)	(४)
४	अन्वेषण अधिकारी, औद्योगिक न्यायालय, सातारा.	श्री. एम. ए. सावंत, स. का. अ., सातारा.	सातारा जिल्हा
५	अन्वेषण अधिकारी, औद्योगिक न्यायालय, सांगली.	श्री. आनंद भोसले, स. का. अ., सांगली.	सांगली जिल्हा
६	अन्वेषण अधिकारी, औद्योगिक न्यायालय, अहमदनगर.	श्रीमती जा. गा. भोईटे, स. का. अ., अहमदनगर.	अहमदनगर जिल्हा
७	अन्वेषण अधिकारी, औद्योगिक न्यायालय, जळगाव.	श्री. शा. शि. चव्हाण, स. का. अ., जळगाव.	जळगाव जिल्हा
८	अन्वेषण अधिकारी, औद्योगिक न्यायालय, जालना.	श्री. ग. भा. बोरसे, स. का. अ., जालना.	जालना, नांदेड, परभणी व हिंगोली जिल्हा.
९	अन्वेषण अधिकारी, औद्योगिक न्यायालय, लातूर.	श्री. प. ध. चव्हाण, स. का. अ., लातूर.	लातूर व उस्मानाबाद जिल्हा
१०	अन्वेषण अधिकारी, औद्योगिक न्यायालय, धुळे.	श्री. एस. पी. राजपूत, स. का. अ., धुळे.	धुळे व नंदुरबार जिल्हा
११	अन्वेषण अधिकारी, औद्योगिक न्यायालय, अमरावती.	श्री. डी. बी. जाधव, स. का. अ., अमरावती.	अमरावती जिल्हा
१२	अन्वेषण अधिकारी, औद्योगिक न्यायालय, अकोला.	श्री. प्र. रा. महाले, स. का. अ., अकोला.	अकोला, वाशिम व बुलडाणा जिल्हा.
१३	अन्वेषण अधिकारी, औद्योगिक न्यायालय, यवतमाळ.	श्री. रा. दे. गुल्हाने, स. का. अ., यवतमाळ.	यवतमाळ जिल्हा
१४	अन्वेषण अधिकारी, औद्योगिक न्यायालय, भंडारा.	श्री. वि. रा. लोखंडे, स. का. अ., भंडारा.	भंडारा व गोंदिया जिल्हा
१५	अन्वेषण अधिकारी, औद्योगिक न्यायालय, चंद्रपूर.	श्री. शा. शि. जयस्वाल, स.का.अ., चंद्रपूर.	चंद्रपूर व गडचिरोली जिल्हा

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

आ. गु. अस्वले,  
शासनाचे सह सचिव.



In pursuance of Clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. ATK.2013/C.R. 3032/Lab-8, dated the 26th September 2013, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. G. ASWALE,  
Joint Secretary to Government.

**INDUSTRIES, ENERGY AND LABOUR DEPARTMENT**

Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya,  
Mumbai 400 032, dated the 7th October 2013.

**NOTIFICATION**

MAHARASHTRA RECOGNITION OF TRADE UNIONS AND PREVENTION OF UNFAIR LABOUR PRACTICES ACT, 1971.

No. ATK. 2013/C.R. 303/Lab-8.—In exercise of the powers conferred by Section 8 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (Mah. I of 1972) the Government of Maharashtra hereby as a temporary arrangement hands over the additional charge of Investigating Officer, in Industrial Court specified in column 2 of the Schedule hereto to the Officers Specified in column 3 for the local areas respectively specified against them in column 4 of the Schedule to discharging the duties :—

*Schedule*

Sr. No.	Investigating Officer	Name of Officer	Jurisdiction
(1)	(2)	(3)	(4)
1	Investigating Officer, Industrial Court, Kolhapur.	Shree S. S. Mahanwar, G.L.O., Kolhapur.	Kolhapur, Ratnagiri, and Sindhudurg, District.
2	Investigating Officer, Industrial Court, Solapur.	Shree C. B. Tangde, G.L.O., Solapur.	Solapur District.
3	Investigating Officer, Industrial Court, Nashik.	Shree B.T.Ramole, G.L.O., Nashik.	Nashik District.
4	Investigating Officer, Industrial Court, Satara.	Shree M.A.Sawant, G.L.O., Satara.	Satara District.
5	Investigating Officer, Industrial Court, Sangli.	Shree Aanand Bhosale, G.L.O., Sangli.	Sangli District.
6	Investigating Officer, Industrial Court, Ahamednagar.	Shree J. M. Bhoite, G.L.O., Ahamednagar.	Ahamednagar District.
7	Investigating Officer, Industrial Court, Jalgaon.	Shree S.S.Chavan, G.L.O., Jalgaon.	Jalgaon District.
8	Investigating Officer, Industrial Court, Jalana.	Shree G. B. Borse, G.L.O., Jalana.	Jalana, Nanded, Parbhani and Hingoli District.

(1)	(2)	(3)	(4)
9	Investigating Officer, Industrial Court, Latur.	Shree P.D.Chavan, G.L.O., Latur.	Latur and Usmanabad Disticts.
10	Investigating Officer, Industrial Court, Dhule.	Shree S.P.Rajput, G.L.O., Dhule.	Dhule and Nandurbar Disticts.
11	Investigating Officer, Industrial Court, Amaravati.	Shree D.B.Jadhav, G.L.O., Amaravati.	Amaravati Distict.
12	Investigating Officer, Industrial Court, Akola.	Shree P.R.Mahale, G.L.O., Akola.	Akola, Vashim and Buldhana Disticts.
13	Investigating Officer, Industrial Court, Yavatmal.	Shree R. D. Ghulane, G.L.O., Yavatmal.	Yavatmal Distict.
14	Investigating Officer, Industrial Court, Bhandara.	Shree V. R. Lokande, G.L.O., Bhandara.	Bhandara and Gondiya Distict.
15	Investigating Officer, Industrial Court, Chandrapur.	Shree S. S. Jayswal, G.L.O., Chandrapur.	Chandrapur, and Gadchiroli Distict.

By order and in the name of the Governor of Maharashtra,

A.G.ASWALE,  
Joint Secretary to Government.

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बुधवार, ऑक्टोबर ९, २०१३/आश्विन १७, शके १९३५

### उद्योग, ऊर्जा व कामगार विभाग

मादाम कामा रोड, हुतात्मा राजगुरु चौक, मंत्रालय,  
मुंबई ४०० ०३२, दिनांक ९ ऑक्टोबर २०१३

### अधिसूचना

#### महाराष्ट्र दुकाने व आस्थापना अधिनियम, १९४८.

क्रमांक बीएसई. ०७/२०१०/प्र.क्र. २२४/कामगार-१०.—महाराष्ट्र दुकाने व आस्थापना अधिनियम, १९४८ (१९४८ चा मुंबई एकोणऐंशी ) (यात यापुढे ज्याचा “ उक्त अधिनियम ” असा उल्लेख करण्यात आलेला आहे.) याच्या कलम ४ च्या परंतुकाद्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून, महाराष्ट्र शासन याद्वारे, उक्त अधिनियमाच्या अनुसूची दोन मध्ये खालीलप्रमाणे सुधारणा करीत आहे :—

उक्त अधिनियमाच्या अनुसूची दोन मधील क्रमांक “ ६२७ ” नंतर खालील नोंदीचा समावेश करण्यात येईल :—

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| <p>“ ६२८ में. फ्युचर रिटेल लि. (पॅन्टालून),<br/>नॉलेज हाऊस, श्यामनगर, जे. व्ही.<br/>रोडसमोर, जोगेश्वरी (पूर्व),<br/>मुंबई ४०० ०६०.</p> <p>(१) होम टाऊन, एम-चौक सर्वे नं. १०,<br/>सीटीएस नं. १५१८४/३,<br/>आकाशवाणी चौक, जालना रोड,<br/>होंडा शोरूम पुढे, औरंगाबाद.</p> <p>(२) होम टाऊन, प्लॉट नं. सीसी ३,<br/>एस. नं. २०/२, अँडजॉईनिंग सिटी<br/>प्राईड मल्टीप्लेक्स कोथरुड,<br/>पुणे ४११ ०३८.</p> <p>(३) होम टाऊन, लँड मार्क टॉवर्स,<br/>तिसरा मजला रामदासपेठ,<br/>नागपूर ४४० ०१०.</p> | <p>उक्त अधिनियमाच्या कलम ११, १४, १८ व कलम ३३(३) मधून खालील शर्तीच्या अधीन राहून :—</p> <p>(१) सदर सूट ही <b>शासन राजपत्रात</b> अधिसूचना प्रसिद्ध झाल्याच्या दिनांकापासून तीन वर्षांच्या कालावधीकरिता लागू राहील.</p> <p>(२) आस्थापना कोणत्याही दिवशी रात्री ११-३० वाजले नंतर उघडी राहणार नाही.</p> <p>(३) प्रत्येक कर्मचाऱ्यास त्याच्या वेतनातून कुठल्याही प्रकारची कपात न करता आठवड्यातून एक दिवस भरपगारी सुट्टी देण्यात यावी व सुट्टीसंबंधीचे प्रत्येक महिन्याचे वेळापत्रक सूचनाफलकावर आगाऊ लावण्यात यावे.</p> <p>(४) कर्मचाऱ्यास दररोज ९ तास किंवा आठवड्यामध्ये ४८ तासांपेक्षा जास्त काम करणे आवश्यक असणार नाही व दररोजच्या कामाची व्याप्ती ११ तासांपेक्षा जास्त असणार नाही.</p> <p>(५) प्रत्येक कर्मचाऱ्यास सलग पाच तास काम केल्यावर एक तासाची विश्रांती देण्यात यावी.</p> <p>(६) कोणत्याही कर्मचाऱ्यास त्याच्या अतिकालिक कामाबद्दल कलम ६३ मध्ये विहित केलेल्या दराने अधिक वेतन देण्यात यावे.</p> |
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- (४) होम टाऊन, पहिला मजला, प्रीमीअर प्लाझा, आयसीआयसी बँकजवळ, चिंचवड, प्रिंप्रि बीग बजारच्या पुढे, पुणे ४११ ०१३.
- (५) ई-झोन पहिला मजला, प्रीमीअर प्लाझा, आयसीआयसी बँकजवळ, चिंचवड, प्रिंप्रि बीग बजारच्या पुढे, पुणे ४११ ०१३.
- (६) ई-झोन, फिनिक्स मार्केट सिटी मॉल, बेकर गॉजच्यामागे, विमान नगर, नगर रोड, पुणे १४.
- (७) ई-झोन, टाऊन सेंटर अमानोरा, व्हीलेज सॅटेस्टस्ट्राली हडपसर-खराडी बायपास, पुणे ४११ ०२८.
- (८) होम टाऊन, टाऊन सेंटर अमानोरा, व्हीलेज सॅटेस्टस्ट्राली, हडपसर-खराडी बायपास, पुणे ४११ ०२८.
- (९) ई-झोन, सेंट्रल असेंट मॉल, गणेश खिंड रोड, ई-चौक जवळ, अँग्रीकल्चर कॉलेज समोर, पुणे ४११ ००१.
- (१०) ई-झोन, सेंट्रल, २५६ बोट क्लब रोड, बंड गार्डन, पुणे ४११ ००१.
- (११) होम टाऊन, ईसान्य मॉल, सर्वे नं. १९० व १९२ येरवडा, तालुका हवेली, पुणे ४११ ००६.
- (१२) ई-झोन, आयसीआय टेक पार्क, प्लॉट नं. ४०३, सेनापती बापट मार्ग, पुणे ४११ ०१६.
- (१३) ई-झोन, इशान्य मॉल, सर्वे नं. १९० व १९२ येरवडा, तालुका हवेली, पुणे ४११ ००६.
- (१४) ई-झोन, एमएसएम परांजपे मॉल समोर, कर्वे रोड, एमईएस कॉलेज जवळ, पुणे ४११ ००४.
- (१५) ई-झोन, हायको मॉल, लेवल-२, हिरानंदानी गार्डन्स, पवई, मुंबई ४०० ०७६.
- (१६) ई-झोन, सेंट्रल प्लॉट बीअरींग नं. सी.एस. नं. १५/७३८ व १४/७३८, ताडदेव डिव्हिजन, पंडीत एम.एम. मालविया मार्ग, मुंबई ४०० ०१५.
- (७) महिला कर्मचाऱ्यांसाठी स्वतंत्र लॉकर व विश्रांतीगृह यांची व्यवस्था करण्यात यावी.
- (८) कर्मचाऱ्यांना राष्ट्रीय व सणाच्या सुट्ट्या देण्यात याव्यात.
- (९) महिला कर्मचाऱ्यांसाठी रात्री त्यांच्या कामाची वेळ संपल्यानंतर आस्थापनेपासून निवासस्थानापर्यंत सुरक्षारक्षकासह मोफत वाहतुकीची व्यवस्था करण्यात यावी.
- (१०) सदर सूट ही मुंबई दुकाने व आस्थापना अधिनियम, १९४८ पुरतीच मर्यादित आहे.
- (११) वरील अटी व शर्तीव्यतिरिक्त अधिनियमातील इतर तरतुदी आस्थापनेस यथास्थिती लागू राहतील.
- (१२) वरीलपैकी कोणत्याही अटीचा व शर्तीचा भंग झाल्यास सूट आपोआप रद्द होईल. ”

- (१७) ई-झोन, पहिला मजला, मेट्रो जंक्शन  
मॉल, बगीच्यासमोर, कल्याण (पू),  
ठाणे-४२१ ३०१.
- (१८) ई-झोन, इनफिनिटी मॉल, इनऑर्बीट  
मॉलच्या समोर, मालाड लिंक रोड,  
मलाड (प), मुंबई ४०० ०५३.
- (१९) ई-झोन, २४७ पार्क, हिंकाँन हॉउस,  
एल.बी.एस मार्ग, विक्रोळी (प.),  
मुंबई ४०० ०८३.
- (२०) ई-झोन, रघुलीला मॉल, दुसरा मजला, मेगा  
मॉलच्या बाजुला, पोईसर बस डेपो,  
कांदीवली (प.), मुंबई ४०० ०६७.
- (२१) होम टाऊन, ठाकुर शॉपिंग मॉल, लॉयन  
पेन्सीलजवळ, दहीसर चेक नाका  
पोस्टजवळ, मिरा-भाईंदर,  
ठाणे ४०१ १०४.
- (२२) होम टाऊन, दुसरा मजला,  
मॅक्सस मॉल, ९० फुट रोड,  
पोलीस चौकी समोर, भायंदर (प.),  
ठाणे ४०१ १०७.
- (२३) होम टाऊन, आर. मॉल,  
ओएलडी युनाईटेड मोटर्स फॅक्टरी,  
घोडबंदर रोड, चिथालसर,  
मानपाडा, ठाणे ४०० ६०१.
- (२४) होम टाऊन, २४७ पार्क, हिंकाँन हाऊस,  
एल.बी.एस. मार्ग, विक्रोळी (प.),  
मुंबई ४०० ०८३.
- (२५) होम टाऊन, ब्लॉक ए, तळमजला,  
पहिला मजला, सोबो सेंट्रल, २८,  
पंडीत मदन मोहन मालविया मार्ग, एसी  
मार्केट, मुंबई ४०० ०३४.
- (२६) होम टाऊन, हैको मॉल, लेवल-२,  
हिरानंदानी गार्डनस्, पवई,  
मुंबई ४०० ०७६.
- (२७) ई-झोन, के.स्टार मॉल, डायमंड गार्डन  
जवळ, सायन-ट्रॉम्बे रोड, चेंबुर,  
मुंबई ४०० ०७१.
- (२८) ई-झोन, शॉप नं. एस-२३,  
दुसरा मजला, ओबेरॉय मॉल समोर, वेस्टर्न  
एक्सप्रेस हायवे, गोरेगाव (पू.),  
मुंबई ४०० ०६३.

- (२९) ई-झोन, पहिला मजला, विवा सिटी,  
होल्टास कंपाऊंड, पोखरण रोड नं. २,  
जुपीटर हॉस्पिटल जवळ,  
ठाणे ४०० ६१०.
- (३०) एलएल, स्टोर २१९, दुसरा मजला,  
इनफिनिटी मॉल, लिंक रोड,  
मलाड (प.), मुंबई ४०० ०६४.
- (३१) ई-झोन, द्वारा-सेंट्रल रघुलीला मॉल,  
वाशी स्टेशन समोर, प्लॉट नं. ३४,  
३५, ३८ वाशी, नवी मुंबई ४०० ७०३.
- (३२) ई-झोन, फिनिक्स मर्केट सीटी, कावेरी  
इस्टेट, एलबीएस रोड, कुर्ला (प.),  
मुंबई ४०० ०७०.
- (३३) होम टाऊन, २४७, पार्क, हिंकोन  
हॉऊस, एल. बी. एस. मार्ग,  
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मॉल, बेकर गॉजच्यामागे, टायको  
इलेक्ट्रॉनिक्सच्या पुढे, विमान नगर,  
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ठाणे (प.) ४०० ६०१.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

अ. म. बाविस्कर,  
कार्यासन अधिकारी.



In pursuance of Clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. BSE. 07/2010/CR 224/LAB-10, dated the 9th October 2013 is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

BALASAHEB KOLASE,  
Joint Secretary to Government.

**INDUSTRIES, ENERGY AND LABOUR DEPARTMENT**

Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya,  
Mumbai 400 032, dated the 9th October 2013

**NOTIFICATION**

MAHARASHTRA SHOPS AND ESTABLISHMENT ACT, 1948.

No. BSE. 07/2010/CR 224/LAB-10.—In exercise of the powers conferred by the proviso to Section 4 of the Maharashtra Shops and Establishment Act, 1948 (Bom. LXXIX of 1948) hereinafter referred to as the said Act, the Government of Maharashtra hereby amends Schedule II of the said Act as follows, namely :—

In Schedule II of the said Act, after entry “627” the following Entry shall be added, namely :—

- |   |  |
|---|--|
| <p>“ 628 M/s. Future Retail Ltd.,<br/>(Pantaloons), Knowledge<br/>House, Shyam Nagar,<br/>Off. J. V. Road,<br/>Jogeshwari (E.),<br/>Mumbai 400 060.</p> | <p>Section 11, 14, 18 and 33(3) subject to the following condition :—</p>  |
| <p>(1) Home Town, M-Square,<br/>Survey No.10, CTS No.15184/3,<br/>Akashwani Chowk, Jalna<br/>Road, Opp. Honda Shop,<br/>Aurangabad 431 001.</p>         | <p>(1) This exemption shall remain in operation for the period of three years from the date of notification published in <i>Government Gazette</i>.</p>  |
| <p>(2) Home Town, Plot No. CC3 of S.<br/>No. 20/2, Adjoining City Pride<br/>Multiplex, Kothrud,<br/>Pune 411 038.</p>                                   | <p>(2) The establishment shall not remain open after 11.30 pm. on any day.</p>   |
| <p>(3) Home Town, Landmark<br/>Towers, 3rd Floor,<br/>Ramdaspath, Nardha Road,<br/>Nagpur 440 010.</p>  | <p>(3) Every employee shall be given one day holiday in a week without making any deductions from his/her wages on account thereof and list of the time table of such holidays for a month shall be placed on the notice board in advance.</p> |
| <p>(4) Home Town, First Floor,<br/>Premier Plaza, Nr. ICICI Bank,<br/>Chinchwad Pimpri, Next to<br/>Big Bazaar, Pune 411 013.</p>                       | <p>(4) No employee shall be required to work for more than 9 hours in a day or 48 hours in a week. The spread over of an employee shall not exceed 11 hours in a day.</p>  |
|   | <p>(5) Every employee shall be given a rest period of one hour after 5 hours of continuous work.</p>   |
|   | <p>(6) The employees shall be entitled to overtime wages in accordance with Section 63 of the said Act.</p>  |
|   | <p>(7) Female employees shall be provided separate lockers and rest rooms at the work place.</p>   |
|   | <p>(8) Employees shall be given national and festival holidays.</p>  |

- (5) E Zone, Gr. and 1st Flr.,  
Premier Plaza, Near ICICI  
Bank, Chinchwad Pimpri,  
Next to Big Bazar,  
Pune 411 013.
- (6) E Zone, Phoenix Market City  
Mall, B/H Baker Guage,  
Viman Nagar, Nagar Road,  
Pune 411 014.
- (7) E Zone, Town Center,  
Amanora, Village  
Sandestralli, Hadapsar  
Kharadi Bypass,  
Pune 411 028.
- (8) Home Town, Town Center,  
Amanora, Village  
Sandestralli, Hadapsar  
Kharadi Bypass,  
Pune 411 028.
- (9) E Zone, Central, Ascent Mall,  
Ganesh Khind Road, Near E  
Square, Opp. Agriculture  
College, Pune 411 007.
- (10) E Zone, Central, 256, Boat  
Club Road, Bund Garden,  
Pune 411 001.
- (11) Home Town, Ishanya Mall,  
Survey No. 190 and 192,  
Yerawada, Taluka Haveli,  
Pune 411 006.
- (12) E Zone, ICC Tech Park, Plot  
No. 403, Senapati Bapat Marg,  
Pune 411 016.
- (13) E Zone, Ishanya Mall, Survey  
No. 190 and 192, Yerawada,  
Taluka Haveli, Pune 411 006.
- (14) E Zone, MSM Paranjpe Mall,  
Off Karve Road, Near MES  
College, Pune 411 004.
- (15) E Zone, Haiko Mall, Leval  
2, Hiranandani Gardens,  
Powai, Mumbai 400 076.
- (16) E Zone, Central, Plot Bearing  
No-C.S. No. 15/738 and 14/738,  
Off Tardeo Div., Pt. M. M.  
Malviya Marg,  
Mumbai 400 015.
- (9) Female employees shall be provided free transport  
facility with security guard from establishment to  
residence after their closing hour at night.
- (10) This exemption is related only to Bombay Shops  
and Establishment Act, 1948.
- (11) In spite of these terms and conditions, all the  
provisions of this Act shall be applicable to the  
establishment duly.
- (12) In case of violation of any of the above terms and  
conditions, the exemption shall stand cancelled  
automatically.”

- (17) E Zone, 1st Floor, Metro Junction Mall, Next to Bungee, Kalyan (E.), Thane 421 301.
- (18) E Zone, Infinity Mall, Next to Inorbit Mall, Malad Link Road, Malad (W.), Mumbai 400 053.
- (19) E Zone, 247 Park, Hincon House, L.B.S. Marg, Vikhroli (W.), Mumbai 400 083.
- (20) E Zone, Raghuleela Mall, 2nd Floor, Mega Mall, Behind Poisar Bus Depot, Kandivali (W.), Mumbai 400 067.
- (21) Home Town, Thakur Shopping Mall, Near Lion Pencil, Near Dahisar Check Naka Post, Mira-Bhay, Thane 401 104.
- (22) Home Town, 2nd Floor, Maxus Mall, 90 Ft. Road, Opp. Police Chowky, Bhayander (W.), Thane 401 107.
- (23) Home Town, R Mall, Old United Motors Factory, Godhbunder Road, Chithalsar Manpada, Thane 400 601.
- (24) Home Town, 247 Park, Hincon House, L.B.S. Marg, Vikhroli (W.), Mumbai 400 083.
- (25) Home Town, Blk A, GF and First Floor, Sobo Central, 28, Pandit Madan Mohan Malviya Marg, AC Market, Mumbai 400 034.
- (26) Home Town, Haiko Mall, Level 2, Central Avenue Hiranandani Gardens, Powai, Mumbai 400 076.

- (27) E Zone, K Star Mall, Near  
Diamond Garden, Sion-  
Trombay Road, Chembur,  
Mumbai 400 071.
- (28) E Zone, Shop No.23,  
2nd Floor, Oberoi Mall,  
Off Western Express  
Highway, Goregaon (E.),  
Mumbai 400 063.
- (29) E Zone, First Floor, Viva City,  
Voltas Compound, Pokhran  
Road No. 2, Near Jupiter  
Hospital, Thane 400 610.
- (30) LL, Store 219, Second Floor,  
Infiniti Mall, Link Road,  
Malad (W.), Mumbai 400 064.
- (31) E Zone, C/o. Central,  
Raghuleela Mall, Opp. Vashi  
Station, Plot No. 34, 35, 38,  
Vashi, Navi Mumbai 400 703.
- (32) E Zone, Phoenix Market City,  
Kaveri Estate, L.B.S. Road,  
Kurla (W.), Mumbai 400 070.
- (33) Home Town, 247 Park,  
Hincon House, L.B.S. Marg,  
Vikhroli (W.),  
Mumbai 400 083.
- (34) Ethnicity, R City Mall,  
CTS No. 169, L.B.S. Marg,  
Ghatkopar (W.),  
Mumbai 400 077.
- (35) Ethnicity, Growel 101, Akurli  
Road, Kandivali (E.),  
Mumbai 400 101.
- (36) Ethnicity, Phoenix Mrkt. City  
Mall, B/H. Baker Gauge,  
Next Tyco Electronics,  
Viman Nagar, Nagar Road,  
Pune 411 014.
- (37) Ethnicity, Infinity Mall,  
Link Road, Malad (W.),  
Mumbai 400 053.
- (38) Ethnicity, S. No. 181,  
Vllge Sade Satar Nalli,  
Hadapsar, Amanora Park Twn,  
Hadapsar Kharadi By Pass,  
Pune 411 028.
- (39) Ethnicity, Sr No. 37,  
Hissa No. 4, Village Poje,  
Tal. Ghorapadi, Koregaon  
Park, Pune 411 001.

- (40) Ethnicity, Unit No. F 19/F 19A,  
First Floor, Viva Cit Voltas  
Compound, Pokharan Road 2,  
Thane 400 610.
- (41) Home Town, C/o. Central,  
2nd Floor, Raghuleela Mall,  
Opp. Vashi Station,  
Plot No. 34, 35 and 38A, Vashi,  
Navi Mumbai 400 703.
- (42) E Zone, Runawal Town  
Centre, Wyeth Labs,  
LBS Marg, Opp. Presidential  
Tower, Ghatkopar (W.),  
Mumbai 400 086.
- (43) 1. all B Wing, Prathamesh  
Dream Complex, PP. Vatika  
Hotel, Kalyan-Bhiwandi  
Bypass, Bhiwandi 421 302.
- (44) Lee Cooper, R-Town,  
F-26, 1st Floor, Wyeth Labs,  
LBS Marg, Ghatkopar (W.),  
Mumbai 400 077.
- (45) Lee Cooper, Building "C",  
Prathamesh Dream Complex,  
Opp. Vatika Hotel,  
Kalyan Bhiwandi Bypass,  
Thane 421 302.
- (46) Lee Cooper, Near MADC  
Main Office, Mihan Sez,  
Wardha Road, Nr. Babasaheb  
International Airport,  
Nagpur 441 108.
- (47) Adidas, Shop No. 08, SGS  
Mall, Moledina Road, Camp,  
Pune 411 001.
- (48) Planet Sports, Shop No. S2  
and S3, Second Floor,  
Eternity Mall, Variety Square,  
Sitabuldi, Nagpur 440 012.
- (49) Planet Sports, SGS Mall,  
Shop No. D, Lower Ground  
Floor, Plot No. 231, Moledina  
Road, Camp, Pune 411 001.
- (50) Brand Factory, Hermes  
Pallazo, 1978, Convent Street,  
Next to Shivaji Mkt, Pune  
Camp, Pune 411 011.

- (51) PLANET STPORTS,  
Town Center, Amanora,  
Village Sandestralli,  
Hadapsar Kharadi Bypass,  
Pune 411 028.
- (52) PLANET STPORTS,  
Prozone Mall, MIDC,  
Aurangabad 431 001.
- (53) CONVERSE, Prozone Mall,  
MIDC, Aurangabad 431 001.
- (54) CONVERSE, Town Center,  
Amanora, Village  
Sandestralli, Hadapsar  
Kharadi Bypass, Pune 411 028.
- (55) aLL, Sterling Center, 11,  
Moledina Road, Pune 411 001.
- (56) PLANET STPORTS, Phoenix  
Mrkt. Cty Mal, B/H Baker  
Gauge, 207, Next Tyco  
Electrnics Viman Nagar,  
Nagar Road, Pune 411 014.
- (57) CONVERSE, Inorbit Mall,  
Nagar Road, Pune 411 014.
- (58) BRAND FACTORY,  
Lake City Mall, Majiwade,  
Kapur Bawadi Naka,  
Thane- Bhiwandi Road,  
Thane 400 607.
- (59) BRAND FACTORY,  
City Center, 233, West High  
Court Road, Dharampeth,  
Nagpur 440 010.
- (60) BRAND FACTORY,  
Plot No. 53, 54, 55, Modi Mall,  
Mukund Nagar, Pune 411 037.
- (61) BRAND FACTORY,  
Plot No. 197, Middle Ring  
Road, Wardhaman Nagar,  
East Nagpur, Nagpur 440 008.
- (62) BRAND FACTORY,  
HCC, 247 Park, Tower B  
L.B.S. Road, Vikhroli (W.),  
Mumbai 400 083.
- (63) WSPL, C/o. Pantaloon Factory  
Outlet, 1st Floor,  
Thakur Mall, Dahisar (E.),  
Mumbai 400 104.
- (64) INDUS LEAGUE,  
S-127, Inorbit Mall No. 7,  
Ahmednagar Road,  
Pune 411 006.

- (65) INDUS LEAGUE,  
Building "C" Prathamesh  
Dream Complex, Opp. Vatika  
Hotel, Kalyan-Bhiwandi  
Bypass, Bhiwandi 421 302.
- (66) INDUS LEAGUE,  
Unit No. F-49, 1st Floor,  
Inorbit, Malad Link Road,  
Malad (W.), Mumbai 400 064.
- (67) INDUS LEAGUE,  
Unit No. S-36 B, Second Floor,  
Pheonix Market City,  
Vima Nagar, Pune 411 014.
- (68) INDUS LEAGUE,  
Unit No. F-2, First Floor,  
Pheonix Market City,  
Vima Nagar, Pune 411 014.
- (69) INDUS LEAGUE,  
Unit No. GF040, Grnd Floor,  
Infinity, Link Road, Mumbai  
Suburban, Tal. Borivali,  
Malad (W.), Mumbai 400 064.
- (70) INDUS LEAGUE,  
Unit No. GF038, Grnd Floor,  
Infinity, Link Road, Mumbai  
Suburban, Tal. Borivali,  
Malad (W.), Mumbai 400 064.
- (71) INDUS LEAGUE,  
Unit No. 002 and FF102,  
Ground Floor, Infinity Mall,  
Link Road, Malad (W.),  
Mumbai 400 064.
- (72) INDUS LEAGUE,  
Reliance Fresh Ltd.,  
Amanora Mall, Kharadi  
Bypass, Hadapsar,  
Pune 411 028.
- (73) INDUS LEAGUE,  
Reliance Fresh Ltd.,  
Plot No. 81-90, D Victoria  
Mall, Shimpoli Road,  
Borivali (W.), Mumbai 400 092.
- (74) INDUS LEAGUE,  
Reliance Fresh Ltd.,  
No. UG-44, LBS Road,  
Phoenix Market City Mall,  
Kurla, Mumbai 400 070.

- (75) INDUS LEAGUE,  
462, Senapati Bapat Marg,  
Phoenix Mill Compound,  
Lower Parel, Mumbai 400 013.
- (76) INDUS LEAGUE,  
Unit No. G58, Market City,  
LBS Marg, Kurla,  
Mumbai 400 070.
- (77) INDUS LEAGUE,  
Unit No. G58, Market City,  
LBS Marg, Kurla,  
Mumbai 400 070.
- (78) INDUS LEAGUE,  
Cooperidge Foorball Ground,  
Mahrshi Karve Road,  
Mumbai 400 021.
- (79) INDUS LEAGUE,  
Phoenix Market City,  
Survey No. 207, Behind Baker  
Gauge, Viman Nagar Road,  
Pune 411 014.
- (80) INDUS LEAGUE,  
Ace Apparles, A-1, Ashoka  
Super Market, S. V. Road,  
Goregaon (W.),  
Mumbai 400 062.
- (81) INDUS LEAGUE,  
Shop No. 5, Plot 10/5,  
Shree Gajana Complex,  
TPS-II, College Road,  
Nashik 422 005.
- (82) PLANET STPORTS,  
Shop No.# S-5, and S-6,  
Second Floor, Inorbit Mall,  
Vashi, Navi Mumbai 400 705.
- (83) PLANET STPORTS,  
First Floor, Shop No. F-31,  
CTS No. 169, LBS Marg,  
Ghatkopar (W.),  
Mumbai 400 077.
- (84) PLANET STPORTS,  
Second Floor, Shop No. 29  
and 30, CTS No. 169,  
LBS Marg, Ghatkopar (W.),  
Mumbai 400 077.
- (85) PLANET STPORTS,  
Shop No. #U-48-50, First  
Floor, Inrobit Mall, Malad  
Link Road, Malad (W.),  
Mumbai 400 064.



- (86) PLANET STPORTS,  
Shop No. T-21A, Palladium  
Phoenix Mills Compound,  
Lower Parel, Mumbai 400 012.
- (87) INDUS LEAGUE,  
CTS No. F/1079, Final Plot No.  
86, OFTPS IV, Hill Road,  
Bandra (W.), Mumbai 400 050.
- (88) aLL, 2, Durolite House,  
Plot No. C-1, Opposite Laxmi  
Industrial Estate, Andheri,  
Mumbai 400 053.
- (89) INDUS LEAGUE,  
C/o. Reliance Fresh Ltd.,  
Korum Mall, Nr. Cadbury  
Compund, Off Eastern  
Express Highway,  
Thane 400 601.
- (90) INDUS LEAGUE,  
FF-139, Near Gandhi Sagar  
Lake, Sir Bezoni Mehtha Road,  
Nagpur 440 018.
- (91) aLL, Thakur Mall, Near Lion  
Pencil, Near Dahisar Check  
Naka, Dahisar,  
Thane 401 104.
- (92) aLL, Infinity Mall, Next to  
Inorbit Mall, Malad Link Road,  
Malad (W.),  
Mumbai 400 064.
- (93) aLL, Krishnabad, Bhulabhai  
Desai Road, Breach Candy,  
Mumbai 400 026.
- (94) aLL, Center One, Sector 30-A,  
Vashi, Navi Mumbai 400 705.
- (95) PLANET STPORTS,  
Infinity Mall, Next to Inorbit  
Mall, Malad Link Road, Malad  
(W.), Mumbai 400 064.
- (96) PLANET STPORTS,  
Phoenix Market City Mall,  
Kaveri Estate, LBS Road,  
Kurla (W.), Mumbai 400 070.
- (97) CONVERSE, Infinity Mall,  
Next to Inorbit Mall, Malad  
Link Road, Malad (W.),  
Mumbai 400 064.
- (98) CONVERSE, Phoenix Market  
City Mall, Kaveri Estate,  
LBS Road, Kurla (W.),  
Mumbai 400 070.

- (99) INDUS LEAGUE,  
Prozone Mall, Shop G-08,  
D-5 API Compound, MIDC,  
Off Jalna Road,  
Aurangabad 431 001.
- (100) INDUS LEAGUE,  
Phoenix Market City, Door,  
GF-45, FF-46 Nagar Road,  
Viman Nagar, Pune 411 014.
- (101) CONVERSE, Phoenix Market  
City Mall, B/H. Baker Gauge,  
Next TYCO Electrnics,  
Viman Nagar, Nagar Road,  
Pune 411 014.
- (102) CONVERSE,G-52, Grnd Flr.,  
Pune Mrkt. City, Srvy No. 207,  
Behnd Maker Gauge, Vimal  
Nagar Road, Pune 411 014.
- (103) PLANET STPORTS,  
Ghorpadi, Koregaon Park,  
Pune 411 001.
- (104) INDUS LEAGUE,  
Unit No. S3, Inorbit Mall,  
Vashi, Navi Mumbai 400 705.
- (105) INDUS LEAGUE,  
Scullers Inorbit Mall, G-25,  
Inorbit Mall, Vashi,  
Navi Mumbai 400 705.
- (106) INDUS LEAGUE,  
Palladium Malldaniel Hechter  
Pheonix Mills Compd,  
Senapati Bapat Marg,  
Mumbai 400 013.
- (107) INDUS LEAGUE,  
5, Pheonix Mills Compound,  
Senapati Bapat Marg, Lower  
Parel, Mumbai 400 013.
- (108) INDUS LEAGUE,  
Infosys Stores, Pt. No. 24,  
Rajiv Ghandhi Info Park,  
Phase II, Village-Man,  
Taluka Pune, Pune 411 057.
- (109) INDUS LEAGUE,  
Indigonation and Scullers,  
Shop No. 10, 1st Floor, R city  
Mall, LBS Marg, Ghatkopar,  
Mumbai 400 086.
- (110) INDUS LEAGUE,  
Banyan Squirecity Center,  
Plot No. 117 to 133,  
Opp. Trimbak Road,  
Untwadi, Nashik 422 022.

- (111) Central, 256, Boat Club Road,  
Bund Garden, Pune 411 001.
- (112) Central, Ascent Mall, Ganesh  
Khind Road, Near E-Square  
Opposite Agriculture College,  
Pune 411 007.
- (113) Central Oberoi Mall,  
Int. Business Park, Oberoi  
Garden City, Off W. E.  
Highway, Goregaon (E.),  
Mumbai 400 063.
- (114) Central, Raghuleela Mall,  
Opp. Vashi Station,  
Plot No. 34, 35 and 38,  
Sector-38-A, IIP, Vashi,  
Navi Mumbai 400 703.
- (115) Central, Plot No. 152, Survey  
No. 1054, Trimbak Naka,  
Nashik 422 001.
- (116) Central, Cross Road,  
Pt. M. M. Malavia Marg,  
Tardeo, Mumbai 400 015.
- (117) Central, R Mall, United  
Motors Ltd., Ghodbunder  
Road, Opp. Godrej Lawkim,  
Thane (W.) 400 601.
- (118) Central, Town Centre,  
Amanora, Village Sandestralli,  
Hadapsar, Khadi Bypass,  
Pune 411 028.
- (119) Central, MSM Paranjape Mall,  
Off Karve Road, Near MES  
College, Pune 411 004.
- (120) Central, Poonam Mall,  
VIP Road, Khasra No. 91,  
North Ambazari Road,  
Nagpur 440 002.
- (121) aLL, K Star Mall, Trombay-  
Sion Road, Chembur,  
Mumbai 400 071.
- (122) aLL, Shop No. 4, Fiona  
Building, 176, Juhu Tara  
Road, Mumbai 400 049.
- (123) PLANET STPORTS, Phoenix  
Market City Mall, Kaveri  
Estate, LBS Road, Kurla (W.),  
Mumbai 400 070.

- (124) aLL, S. No. 37, Hissa No. 4,  
Ghorapadi, Village Mouje,  
Taluka Ghorapadi,  
Pune 411 001.
- (125) INDUS LEAGUE, Unit  
No. F-11, Prozone Mall,  
Chikalthana MIDC,  
Aurangabad 431 001.
- (126) aLL, R-Town, F-26,  
Wyeth Lab, L.B.S. Road,  
Opp. Presidential Twr,  
1st Floor, Ghatkopar,  
Mumbai 400 086.
- (127) I M In, Land Mark,  
Wardha Road, Ramdaspath,  
Near Panchsheel Square,  
Nagpur 440 010.
- (128) I M In, First Floor,  
Near Jupiter Hospital,  
Voltas Compound, Pokharan  
Road-2, Thane 400 610.
- (129) INDUS LEAGUE, Reliance  
Fresh Ltd., ACME Mall,  
S. V. Road, Santacruz,  
Mumbai 400 054.
- (130) WSPL, Phoenix Market City  
Mall, B/h. Baker Gauge,  
Next TYCO Electronics,  
Viman Nagar, Nagar Road,  
Pune 411 014.
- (131) Converse, Viva City,  
Unit No. F-19/F-19A, 1st Floor,  
Voltas Compound, Pokharan  
Road-2, Thane 400 610.
- (132) PLANET STPORTS,  
Unit No. F19/F19A, 1st Floor,  
Viva City, Voltas Compound,  
Pokharan Road-2,  
Thane 400 610.
- (133) Central, Neptune Magnet  
Mall, LBS Road,  
Near Mangatram Petrol  
Pump, Bhandup,  
Mumbai 400 078.
- (134) aLL, Voltas Compound,  
Subhash Nagar, Next Jupiter  
Hospital, Pokhran Road No. 2,  
Thane 400 610.

- (135) INDUS LEAGUE, Reliance  
Fresh Ltd., Westend Mall,  
Sector 2, Aundh, Pune 411 004.
- (136) INDUS LEAGUE, Reliance  
Fresh Ltd., Kubde Heights,  
Ambadevi Road,  
Near Rajkamal Square,  
Amravati 444 601.
- (137) WSPL, Phoenix Market City  
Mall, Kaveri Estate,  
LBS Road, Kurla (W.),  
Mumbai 400 070.
- (138) INDUS LEAGUE, Reliance  
Fresh Ltd., Viva City Mall,  
RTL Unit No. FF-24, 1st Flr.,  
Pokhran Road, Thane 400 610.
- (139) INDUS LEAGUE, Terminal 1,  
Security Hold Area,  
Chhatrapati Shivaji  
International Airport,  
Mumbai 400 099.
- (140) Pantaloon Factory Outlet,  
Jagat Tower, Near Law  
College Square, Amravati  
Road, Nagpur 400 602.
- (141) Pantaloon Factory Outlet,  
Pantaloon Factory Outlet,  
Paradise Tower, Opp. Alok  
Hotel, Gokhale Road,  
Naupada, Thane (W.) 400 602.
- (142) Pantaloon Factory Outlet,  
Pantaloon Factory Outlet,  
Durolite House, Opp. Laxmi  
Industrial Estate,  
Andheri (W.), Mumbai 400 053.
- (143) Pantaloon Factory Outlet,  
Pantaloon Outlet, Thakur  
Mall, Western Express High-  
way, Mira-Bhayander Road,  
Dist. Thane (W.) 401 107.
- (144) Pantaloon Factory Outlet,  
Second Floor, Maxus Mall,  
Nr. Salasar Housing Complex,  
Bhayander (W.),  
Dist. Thane 401 105.
- (145) Pantaloon Factory Outlet,  
Premier Plaza, Chinchwad,  
Pune 411 019.

- (146) Pantaloon Factory Outlet,  
Plot No. 59/1-C, Vadgaon  
Budruk, Sinhaghad Road,  
Bhide Baug, Near Police  
Chowki, Dahari Fata,  
Pune 411 041.
- (147) Pantaloons, Phoenix Mills  
Compound, 462, Senapati  
Bapat Marg, Lower Parel  
(W.), Mumbai 400 013.
- (148) Pantaloons, Centre 1,  
Sector 30A, Vashi,  
Navi Mumbai 400 705.
- (149) Pantaloons, Runwal Mall,  
Opp. Richardson Cruddas  
Factory, LBS Marg,  
Mulund (W.),  
Mumbai 400 080.
- (150) Pantaloons, Sri Vallabh  
Shopping Centre, S. V. Road,  
Near Flyover, Borivali (W.),  
Mumbai 400 092.
- (151) Pantaloons, Orchid City  
Centre, 265 Bellasis Road,  
Opp. S. T. Bus Depot, Mumbai  
Central (E.), Mumbai 400 008.
- (152) Pantaloons, Milan Mall,  
Opp. Gamdevi Mandir,  
Near S. V. Road Junction  
Signal, Milan Subway,  
Santacruz (W.),  
Mumbai 400 054.
- (153) Pantaloons, Mega Mall, D. P.  
Road, Malad Link Road,  
Oshiwara, Andheri (W.),  
Mumbai 400 102.
- (154) Pantaloons, R City Mall,  
Runwal Tower Centre,  
Wyeth Labs, L.B.S. Marg,  
Opp. Presidential Tower,  
Ghatkopar (W.),  
Mumbai 400 086.
- (155) Pantaloons, Nashik City  
Center Oontwadi, Lawate  
Nagar, Near PWD Office,  
Nashik 422 002.

- (156) Pantaloons, Phoenix Market  
City, Kaveri Estate,  
L.B.S. Road, Kurla (W.),  
Mumbai 400 070.
- (157) Pantaloons, Growel 101,  
Akurli Road, Kandivali (E.),  
Mumbai 400 060.
- (158) Pantaloons, Prozone Mall,  
Chikalthana MIDC,  
Aurangabad 431 001.
- (159) Pantaloons, ICC Tech Park,  
Plot No. 403, Senapati Bapat  
Marg, Pune 411 016.
- (160) Pantaloons, Phoenix Market  
City Mall, B/h. Baker Gauge,  
Next to TYCO Electronics,  
Viman Nagar, Nagar Road,  
Pune 411 014.
- (161) Pantaloons, Infinity Mall,  
Shop No. 103, Near D-Mart,  
New Link Road, Malad (W.),  
Mumbai 400 064.
- (162) Pantaloons, Viviana Mall,  
Cadbury Junction,  
Eastern Express Highway,  
Besides Jupitire Hospital,  
Thane (W.) 400 601.
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By order and in the name of the Governor of Maharashtra,

A. M. BAWISKAR,  
Section Officer.